

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1112 Session of
1985

INTRODUCED BY SALOOM, BLAUM, WOGAN, MOEHLMANN, MACKOWSKI,
CIVERA, DONATUCCI, JAROLIN, OLASZ, PERZEL AND DOMBROWSKI,
APRIL 30, 1985

SENATOR SHUMAKER, LAW AND JUSTICE, IN SENATE, AS AMENDED,
OCTOBER 23, 1985

AN ACT

1 ~~Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An~~ <—
2 ~~act relating to alcoholic liquors, alcohol and malt and~~
3 ~~brewed beverages; amending, revising, consolidating and~~
4 ~~changing the laws relating thereto; regulating and~~
5 ~~restricting the manufacture, purchase, sale, possession,~~
6 ~~consumption, importation, transportation, furnishing, holding~~
7 ~~in bond, holding in storage, traffic in and use of alcoholic~~
8 ~~liquors, alcohol and malt and brewed beverages and the~~
9 ~~persons engaged or employed therein; defining the powers and~~
10 ~~duties of the Pennsylvania Liquor Control Board; providing~~
11 ~~for the establishment and operation of State liquor stores,~~
12 ~~for the payment of certain license fees to the respective~~
13 ~~municipalities and townships, for the abatement of certain~~
14 ~~nuisances and, in certain cases, for search and seizure~~
15 ~~without warrant; prescribing penalties and forfeitures;~~
16 ~~providing for local option, and repealing existing laws,"~~
17 ~~providing for special provisions for exchange of hotel liquor~~
18 ~~licenses; and further providing for sales by limited~~
19 ~~wineries.~~
20 AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED "AN <—
21 ACT RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND
22 BREWED BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND
23 CHANGING THE LAWS RELATING THERETO; REGULATING AND
24 RESTRICTING THE MANUFACTURE, PURCHASE, SALE, POSSESSION,
25 CONSUMPTION, IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING
26 IN BOND, HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC
27 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES AND THE
28 PERSONS ENGAGED OR EMPLOYED THEREIN; DEFINING THE POWERS AND
29 DUTIES OF THE PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING
30 FOR THE ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES,
31 FOR THE PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE

MUNICIPALITIES AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN
NUISANCES AND, IN CERTAIN CASES, FOR SEARCH AND SEIZURE
WITHOUT WARRANT; PRESCRIBING PENALTIES AND FORFEITURES;
PROVIDING FOR LOCAL OPTION, AND REPEALING EXISTING LAWS,"
FURTHER PROVIDING FOR THE POWERS AND DUTIES OF THE
PENNSYLVANIA LIQUOR CONTROL BOARD, THE OFFICE OF ATTORNEY
GENERAL; CREATING THE OFFICE OF ADMINISTRATIVE LAW JUDGE;
TRANSFERRING ENFORCEMENT POWERS TO THE OFFICE OF THE ATTORNEY
GENERAL AND DEFINING ITS POWERS AND DUTIES; ADDING PROVISIONS
RELATING TO PAYMENT OF STATE TAXES; PROVIDING FOR SPECIAL
PROVISIONS FOR EXCHANGE OF HOTEL LIQUOR LICENSES; FURTHER
PROVIDING FOR PENALTIES; TRANSFERRING PERSONNEL, EQUIPMENT
AND APPROPRIATIONS; AND MAKING EDITORIAL CHANGES.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

~~Section 1. The act of April 12, 1951 (P.L.90, No.21), known~~ <—
~~as the Liquor Code, is amended by adding a section to read:~~

~~Section 470.2. Exchange of Hotel Liquor License; Special
Provisions. In any case where the board finds that the holder
of a hotel liquor license cannot comply with the provisions of
section 461(c) because during 1985 the premises for which said
license was issued was destroyed or substantially damaged by a
natural disaster, the board shall, notwithstanding the quota
provisions of this act, upon receipt of an application for a
restaurant liquor license together with appropriate fees and
bond, receive the hotel liquor license and issue in exchange for
said license a restaurant liquor license.~~

~~Section 2. Section 505.2 of the act, amended November 5,
1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319),
is amended to read:~~

~~Section 505.2. Limited Wineries. Holders of a limited
winery license may:~~

~~(1) Produce wines only from fruits grown in Pennsylvania in
an amount not to exceed one hundred thousand (100,000) gallons
per year.~~

~~(2) Sell wine produced by the limited winery or purchased or~~

1 ~~consigned in bulk in bond or in sealed case lots from [another]~~
2 ~~one or more Pennsylvania limited [winery] wineries on the~~
3 ~~licensed premises, under such conditions and regulations as the~~
4 ~~board may enforce, to the Liquor Control Board, to individuals~~
5 ~~and to hotel, restaurant, club and public service liquor~~
6 ~~licensees, and to Pennsylvania winery licensees: Provided, That~~
7 ~~a limited winery shall not, in any calendar year, purchase wine~~
8 ~~produced by other limited wineries in an amount in excess of~~
9 ~~fifty per centum of the wine produced by the purchasing limited~~
10 ~~winery in the preceding calendar year.~~

11 ~~(3) Sell wine produced by the limited winery or purchased or~~
12 ~~consigned by one or more Pennsylvania limited wineries as~~
13 ~~provided in clause (2) on no more than three board approved~~
14 ~~locations other than the licensed premises, with no bottling or~~
15 ~~production requirement at those additional board approved~~
16 ~~locations and under such conditions and regulations as the board~~
17 ~~may enforce, to the Liquor Control Board, to individuals and to~~
18 ~~hotel, restaurant, club and public service liquor licensees.~~

19 ~~Section 3. This act shall take effect in 60 days.~~

20 SECTION 1. THE TITLE AND TABLE OF CONTENTS OF THE ACT OF <—
21 APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, ARE
22 AMENDED TO READ:

23 AN ACT
24 RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND BREWED
25 BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
26 LAWS RELATING THERETO; REGULATING AND RESTRICTING THE
27 MANUFACTURE, PURCHASE, SALE, POSSESSION, CONSUMPTION,
28 IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING IN BOND,
29 HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS,
30 ALCOHOL AND MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED

OR EMPLOYED THEREIN; DEFINING THE POWERS AND DUTIES OF THE
PENNSYLVANIA LIQUOR CONTROL BOARD, THE OFFICE OF
ADMINISTRATIVE LAW JUDGE, THE OFFICE OF ATTORNEY GENERAL AND
LAW ENFORCEMENT AGENCIES; PROVIDING FOR THE ESTABLISHMENT AND
OPERATION OF STATE LIQUOR STORES, FOR THE PAYMENT OF CERTAIN
LICENSE FEES TO THE RESPECTIVE MUNICIPALITIES AND TOWNSHIPS,
FOR THE ABATEMENT OF CERTAIN NUISANCES AND, IN CERTAIN CASES,
FOR SEARCH AND SEIZURE WITHOUT WARRANT; PRESCRIBING
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16 (P.L.638, NO.346), AUGUST 17, 1965 (P.L.346, NO.182), DECEMBER
17 2, 1970 (P.L.825, NO.271), OCTOBER 11, 1972 (P.L.906, NO.215),
18 DECEMBER 12, 1980 (P.L.1195, NO.221) AND DECEMBER 17, 1982
19 (P.L.1390, NO.319), IS AMENDED TO READ:

20 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,
21 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
22 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

23 "ALCOHOL" SHALL MEAN ETHYL ALCOHOL OF ANY DEGREE OF PROOF
24 ORIGINALLY PRODUCED BY THE DISTILLATION OF ANY FERMENTED LIQUID,
25 WHETHER RECTIFIED OR DILUTED WITH OR WITHOUT WATER, WHATEVER MAY
26 BE THE ORIGIN THEREOF, AND SHALL INCLUDE SYNTHETIC ETHYL
27 ALCOHOL, BUT SHALL NOT MEAN OR INCLUDE ETHYL ALCOHOL, WHETHER OR
28 NOT DILUTED, THAT HAS BEEN DENATURED OR OTHERWISE RENDERED UNFIT
29 FOR BEVERAGE PURPOSES.

30 "ASSOCIATION" SHALL MEAN A PARTNERSHIP, LIMITED PARTNERSHIP

1 OR ANY FORM OF UNINCORPORATED ENTERPRISE OWNED BY TWO OR MORE
2 PERSONS.

3 "BOARD" SHALL MEAN THE PENNSYLVANIA LIQUOR CONTROL BOARD.

4 "BONDED WAREHOUSE" SHALL MEAN AND INCLUDE ALL PLACES AND
5 WAREHOUSES LEGALLY ESTABLISHED UNDER THE PROVISIONS OF THE ACTS
6 OF CONGRESS AND THE ADMINISTRATIVE PROVISIONS OF THE INTERNAL
7 REVENUE LAWS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA,
8 FOR THE STORAGE, CONCENTRATION, DISTRIBUTION AND HOLDING IN
9 BOND, (A) OF WHISKEY AND ANY OTHER POTABLE DISTILLED SPIRITS,
10 EXCEPT ETHYL ALCOHOL, WHEN USED IN ARTICLE VII ENTITLED
11 "DISTILLERY BONDED WAREHOUSE CERTIFICATES" AND, (B) OF ALCOHOL
12 OR LIQUOR WHEN OTHERWISE USED.

13 "CLUB" SHALL MEAN ANY REPUTABLE GROUP OF INDIVIDUALS
14 ASSOCIATED TOGETHER NOT FOR PROFIT FOR LEGITIMATE PURPOSES OF
15 MUTUAL BENEFIT, ENTERTAINMENT, FELLOWSHIP OR LAWFUL CONVENIENCE,
16 HAVING SOME PRIMARY INTEREST AND ACTIVITY TO WHICH THE SALE OF
17 LIQUOR OR MALT AND BREWED BEVERAGES SHALL BE ONLY SECONDARY,
18 WHICH, IF INCORPORATED, HAS BEEN IN CONTINUOUS EXISTENCE AND
19 OPERATION FOR AT LEAST ONE YEAR, AND IF FIRST LICENSED AFTER
20 JUNE SIXTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, SHALL
21 HAVE BEEN INCORPORATED IN THIS COMMONWEALTH, AND, IF
22 UNINCORPORATED, FOR AT LEAST TEN YEARS, IMMEDIATELY PRECEDING
23 THE DATE OF ITS APPLICATION FOR A LICENSE UNDER THIS ACT, AND
24 WHICH REGULARLY OCCUPIES, AS OWNER OR LESSEE, A CLUBHOUSE OR
25 QUARTERS FOR THE USE OF ITS MEMBERS. CONTINUOUS EXISTENCE MUST
26 BE PROVEN BY SATISFACTORY EVIDENCE. THE BOARD SHALL REFUSE TO
27 ISSUE A LICENSE IF IT APPEARS THAT THE CHARTER IS NOT IN
28 POSSESSION OF THE ORIGINAL INCORPORATORS OR THEIR DIRECT OR
29 LEGITIMATE SUCCESSORS. THE CLUB SHALL HOLD REGULAR MEETINGS,
30 CONDUCT ITS BUSINESS THROUGH OFFICERS REGULARLY ELECTED, ADMIT

1 MEMBERS BY WRITTEN APPLICATION, INVESTIGATION AND BALLOT, AND
2 CHARGE AND COLLECT DUES FROM ELECTED MEMBERS, AND MAINTAIN SUCH
3 RECORDS AS THE BOARD SHALL FROM TIME TO TIME PRESCRIBE, BUT ANY
4 SUCH CLUB MAY WAIVE OR REDUCE IN AMOUNT, OR PAY FROM ITS CLUB
5 FUNDS, THE DUES OF ANY PERSON WHO WAS A MEMBER AT THE TIME HE
6 WAS INDUCTED INTO THE MILITARY SERVICE OF THE UNITED STATES OR
7 WAS ENROLLED IN THE ARMED FORCES OF THE UNITED STATES PURSUANT
8 TO ANY SELECTIVE SERVICE ACT DURING THE TIME OF THE MEMBER'S
9 ACTUAL SERVICE OR ENROLLMENT.

10 "CONTAINER" SHALL MEAN AND INCLUDE ANY RECEPTACLE, VESSEL OR
11 FORM OF PACKAGE, TANK, VAT, CASK, BARREL, DRUM, KEG, CAN, BOTTLE
12 OR CONDUIT USED OR CAPABLE OF USE FOR HOLDING, STORING,
13 TRANSFERRING OR SHIPMENT OF ALCOHOL LIQUOR OR MALT OR BREWED
14 BEVERAGES.

15 "CORPORATION" SHALL MEAN A CORPORATION OR JOINT-STOCK
16 ASSOCIATION ORGANIZED UNDER THE LAWS OF THIS COMMONWEALTH, THE
17 UNITED STATES, OR ANY OTHER STATE, TERRITORY, OR FOREIGN COUNTRY
18 OR DEPENDENCY.

19 "DENATURED ALCOHOL" SHALL MEAN AND INCLUDE ALL ALCOHOL OR ANY
20 COMPOUND THEREOF WHICH BY THE ADMIXTURE OF SUCH DENATURING
21 MATERIAL OR MATERIALS IS RENDERED UNFIT FOR USE AS A BEVERAGE.

22 "DENATURING PLANT" SHALL MEAN AND INCLUDE THE PREMISES OF A
23 DISTILLERY USED EXCLUSIVELY FOR THE DENATURIZATION OF ALCOHOL,
24 EITHER SPECIALLY OR COMPLETELY, BY THE ADMIXTURE OF SUCH
25 DENATURING MATERIALS AS SHALL RENDER THE ALCOHOL OR ANY COMPOUND
26 IN WHICH IT IS AUTHORIZED TO BE USED UNFIT FOR USE AS A
27 BEVERAGE.

28 "DISTILLERY" SHALL MEAN AND INCLUDE ANY PREMISES OR PLANT
29 WHEREIN ALCOHOL OR LIQUOR IS MANUFACTURED, MADE AND DISTILLED
30 FROM RAW MATERIALS, BLENDED OR RECTIFIED, OR ANY PLACE WHEREIN

1 ALCOHOL OR LIQUOR IS PRODUCED BY ANY METHOD SUITABLE FOR THE
2 PRODUCTION OF ALCOHOL. THE TERM SHALL NOT INCLUDE A "WINERY"
3 WHERE ALCOHOL IS DERIVED FROM BY-PRODUCTS OF WINE PRODUCTION BY
4 DISTILLATION FOR THE SOLE PURPOSE OF ADDING TO THE FERMENTED
5 PRODUCTS TO FORTIFY THE SAME.

6 "DISTILLERY BONDED WAREHOUSE CERTIFICATE" SHALL MEAN A
7 CERTIFICATE, RECEIPT, CONTRACT OR OTHER DOCUMENT GIVEN UPON THE
8 STORAGE OF WHISKEY OR ANY OTHER POTABLE DISTILLED SPIRITS,
9 EXCEPT ETHYL ALCOHOL, IN A BONDED WAREHOUSE, AND EVIDENCING THE
10 OWNERSHIP OF SUCH WHISKEY OR OTHER POTABLE DISTILLED SPIRITS.

11 "DISTILLERY CERTIFICATE BROKER" SHALL MEAN AND INCLUDE EVERY
12 PERSON WHO ENGAGES DIRECTLY OR THROUGH AN AGENT IN SELLING,
13 PURCHASING, EXCHANGING, OFFERING FOR SALE OR DELIVERY, OR
14 ENTERING INTO AGREEMENTS FOR THE PURCHASE, SALE OR EXCHANGE, OR
15 SOLICITING SUBSCRIPTIONS TO OR ORDERS FOR, OR UNDERTAKING TO
16 DISPOSE OF, OR DEALING IN ANY MANNER IN, DISTILLERY BONDED
17 WAREHOUSE CERTIFICATES.

18 "DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO
19 ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA MANUFACTURERS AND
20 FROM IMPORTING DISTRIBUTORS AND THE RESALE OF MALT OR BREWED
21 BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS, IN
22 THE ORIGINAL SEALED CONTAINERS AS PREPARED FOR THE MARKET BY THE
23 MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT NOT FOR
24 CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF NOT
25 LESS THAN A CASE OF TWENTY-FOUR CONTAINERS, EACH CONTAINER
26 HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF TWELVE
27 CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR
28 MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-
29 EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY.

30 "DIVISION" SHALL MEAN THE LIQUOR CODE ENFORCEMENT DIVISION OF

1 THE OFFICE OF ATTORNEY GENERAL.

2 "EATING PLACE" SHALL MEAN A PREMISE WHERE FOOD IS REGULARLY
3 AND CUSTOMARILY PREPARED AND SOLD, HAVING A TOTAL AREA OF NOT
4 LESS THAN THREE HUNDRED SQUARE FEET AVAILABLE TO THE PUBLIC IN
5 ONE OR MORE ROOMS, OTHER THAN LIVING QUARTERS, AND EQUIPPED WITH
6 TABLES AND CHAIRS ACCOMMODATING THIRTY PERSONS AT ONE TIME.

7 "GOLF COURSE" SHALL MEAN A COURSE HAVING A MINIMUM OF NINE
8 HOLES AND A TOTAL LENGTH OF AT LEAST TWENTY-FIVE HUNDRED YARDS.

9 "HOTEL" SHALL MEAN ANY REPUTABLE PLACE OPERATED BY
10 RESPONSIBLE PERSONS OF GOOD REPUTATION WHERE THE PUBLIC MAY, FOR
11 A CONSIDERATION, OBTAIN SLEEPING ACCOMMODATIONS AND MEALS AND
12 WHICH, IN A CITY, HAS AT LEAST TEN, AND IN ANY OTHER PLACE AT
13 LEAST SIX, PERMANENT BEDROOMS FOR THE USE OF GUESTS, A PUBLIC
14 DINING ROOM OR ROOMS OPERATED BY THE SAME MANAGEMENT
15 ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME, AND A
16 KITCHEN, APART FROM THE PUBLIC DINING ROOM OR ROOMS, IN WHICH
17 FOOD IS REGULARLY PREPARED FOR THE PUBLIC.

18 "IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE
19 BOARD TO ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER
20 PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS
21 LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND
22 IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR
23 BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS AS PREPARED
24 FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,
25 BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN
26 QUANTITIES OF NOT LESS THAN A CASE OF TWENTY-FOUR CONTAINERS,
27 EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF
28 TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID
29 OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE
30 HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD

1 SEPARATELY.

2 "LAW ENFORCEMENT AGENCY" SHALL INCLUDE, BUT NOT BE LIMITED
3 TO, COUNTY DETECTIVES, THE LIQUOR CODE ENFORCEMENT DIVISION OF
4 THE OFFICE OF ATTORNEY GENERAL, THE BUREAU OF CRIMINAL
5 INVESTIGATIONS OF THE OFFICE OF ATTORNEY GENERAL AND THE
6 PENNSYLVANIA STATE POLICE.

7 "LIMITED WINERY" SHALL MEAN A WINERY WITH A MAXIMUM OUTPUT OF
8 ONE HUNDRED THOUSAND (100,000) GALLONS PER YEAR.

9 "LIQUOR" SHALL MEAN AND INCLUDE ANY ALCOHOLIC, SPIRITUOUS,
10 VINOUS, FERMENTED OR OTHER ALCOHOLIC BEVERAGE, OR COMBINATION OF
11 LIQUORS AND MIXED LIQUOR A PART OF WHICH IS SPIRITUOUS, VINOUS,
12 FERMENTED OR OTHERWISE ALCOHOLIC, INCLUDING ALL DRINKS OR
13 DRINKABLE LIQUIDS, PREPARATIONS OR MIXTURES, AND REUSED,
14 RECOVERED OR REDISTILLED DENATURED ALCOHOL USABLE OR TAXABLE FOR
15 BEVERAGE PURPOSES WHICH CONTAIN MORE THAN ONE-HALF OF ONE PER
16 CENT OF ALCOHOL BY VOLUME, EXCEPT PURE ETHYL ALCOHOL AND MALT OR
17 BREWED BEVERAGES.

18 "MALT OR BREWED BEVERAGES" MEANS ANY BEER, LAGER BEER, ALE,
19 PORTER OR SIMILAR FERMENTED MALT BEVERAGE CONTAINING ONE-HALF OF
20 ONE PER CENTUM OR MORE OF ALCOHOL BY VOLUME, BY WHATEVER NAME
21 SUCH BEVERAGE MAY BE CALLED.

22 "MANUFACTURE", WHEN THE TERM IS APPLIED TO MALT OR BREWED
23 BEVERAGES, SHALL MEAN AND INCLUDE ALL MEANS, METHODS AND
24 PROCESSES USED, EMPLOYED AND MADE USE OF, TO PRODUCE, MAKE AND
25 MANUFACTURE FOR COMMERCIAL PURPOSES, MALT OR BREWED BEVERAGES
26 FROM RAW MATERIALS; WHEN APPLIED OTHERWISE, IT SHALL MEAN AND
27 INCLUDE ALL MEANS, METHODS AND PROCESSES USED, EMPLOYED AND MADE
28 USE OF, TO PRODUCE AND MAKE ALCOHOL OR LIQUOR FROM RAW
29 MATERIALS, AND SHALL MEAN AND INCLUDE RECTIFICATION AND BLENDING
30 OF ALCOHOL AND LIQUOR, THE PRODUCTION, RECOVERY OR REUSE OF

1 ALCOHOL IN THE MAKING, DEVELOPING, USING IN THE PROCESS OF
2 MANUFACTURE, DENATURING, REDISTILLING OR RECOVERING OF ANY
3 ALCOHOL OR LIQUOR IN DISTILLERIES, DENATURING PLANTS AND
4 WINERIES.

5 "MANUFACTURER" SHALL MEAN ANY PERSON, ASSOCIATION OR
6 CORPORATION ENGAGED IN THE PRODUCING, MANUFACTURING, DISTILLING,
7 RECTIFYING OR COMPOUNDING OF LIQUOR, ALCOHOL OR MALT OR BREWED
8 BEVERAGES IN THIS COMMONWEALTH OR ELSEWHERE.

9 "MANUFACTURER OF MALT OR BREWED BEVERAGES" SHALL MEAN ANY
10 PERSON HOLDING A LICENSE ISSUED BY THE BOARD TO ENGAGE IN THE
11 MANUFACTURE, TRANSPORTATION AND SALE OF MALT OR BREWED
12 BEVERAGES; ALSO, ANY PERSON ENGAGED IN THE LEGAL MANUFACTURE OF
13 MALT OR BREWED BEVERAGES WITHIN THE TERRITORIAL LIMITS OF THE
14 UNITED STATES, OUTSIDE THE COMMONWEALTH OF PENNSYLVANIA.

15 "MUNICIPALITY" SHALL MEAN ANY CITY, BOROUGH, INCORPORATED
16 TOWN, OR TOWNSHIP OF THIS COMMONWEALTH.

17 "ORIGINAL CONTAINER" SHALL MEAN ALL BOTTLES, CASKS, KEGS OR
18 OTHER SUITABLE CONTAINERS THAT HAVE BEEN SECURELY CAPPED, SEALED
19 OR CORKED BY THE MANUFACTURER OF MALT OR BREWED BEVERAGES AT THE
20 PLACE OF MANUFACTURE, WITH THE NAME AND ADDRESS OF THE
21 MANUFACTURER OF THE MALT OR BREWED BEVERAGES CONTAINED OR TO BE
22 CONTAINED THEREIN PERMANENTLY AFFIXED TO THE BOTTLE, CASK, KEG
23 OR OTHER CONTAINER, OR IN THE CASE OF A BOTTLE OR CAN, TO THE
24 CAP OR CORK USED IN SEALING THE SAME OR TO A LABEL SECURELY
25 AFFIXED TO A BOTTLE OR CAN.

26 "PACKAGE" SHALL MEAN ANY CONTAINER OR CONTAINERS OR
27 RECEPTACLE OR RECEPTACLES USED FOR HOLDING LIQUOR OR ALCOHOL AS
28 MARKETING BY THE MANUFACTURER.

29 "PERFORMING ARTS FACILITIES" SHALL MEAN THOSE HALLS OR
30 THEATERS IN WHICH LIVE MUSICAL, CONCERT, DANCE, BALLET AND

1 LEGITIMATE PLAY BOOK-LENGTH PRODUCTIONS ARE PERFORMED.
2 PERFORMING ARTS FACILITIES SHALL NOT MEAN THOSE HALLS OR
3 THEATERS IN WHICH BURLESQUE SHOWS OR REVIEWS ARE PERFORMED.

4 "PERSON" SHALL MEAN A NATURAL PERSON, ASSOCIATION OR
5 CORPORATION. WHENEVER USED IN A CLAUSE PRESCRIBING OR IMPOSING A
6 FINE OR IMPRISONMENT OR BOTH, THE TERM "PERSON", AS APPLIED TO
7 "ASSOCIATION", SHALL MEAN THE PARTNERS OR MEMBERS THEREOF, AND
8 AS APPLIED TO "CORPORATION", SHALL MEAN THE OFFICERS THEREOF,
9 EXCEPT, AS TO INCORPORATED CLUBS, THE TERM "PERSON" SHALL MEAN
10 SUCH INDIVIDUAL OR INDIVIDUALS WHO, UNDER THE BY-LAWS OF SUCH
11 CLUB, SHALL HAVE JURISDICTION OVER THE POSSESSION AND SALE OF
12 LIQUOR THEREIN.

13 "POPULATION" SHALL MEAN THE NUMBER OF INHABITANTS AS
14 DETERMINED BY THE LAST PRECEDING DECENNIAL CENSUS OF THE UNITED
15 STATES, OR BY ANY OTHER CENSUS SUBSEQUENTLY TAKEN BY THE CENSUS
16 BUREAU OF THE UNITED STATES AND SO CERTIFIED BY IT: PROVIDED,
17 HOWEVER, THAT SUCH OTHER CENSUS SHALL NOT BE A BASIS FOR THE
18 FIXING OF LICENSE FEES AS PROVIDED IN ARTICLE IV. SECTIONS 405
19 AND 439.

20 "POTABLE DISTILLED SPIRITS" SHALL MEAN AND INCLUDE ANY
21 DISTILLATE FROM GRAINS, WINE, FRUITS, VEGETABLES OR MOLASSES,
22 EXCEPT ETHYL ALCOHOL, CAPABLE OF BEING USED FOR BEVERAGE
23 PURPOSES.

24 "REGULATION" SHALL MEAN ANY REGULATION PRESCRIBED BY THE
25 BOARD OR THE ATTORNEY GENERAL FOR CARRYING OUT THE PROVISIONS OF
26 THIS ACT.

27 "RESTAURANT" SHALL MEAN A REPUTABLE PLACE OPERATED BY
28 RESPONSIBLE PERSONS OF GOOD REPUTATION AND HABITUALLY AND
29 PRINCIPALLY USED FOR THE PURPOSE OF PROVIDING FOOD FOR THE
30 PUBLIC, THE PLACE TO HAVE AN AREA WITHIN A BUILDING OF NOT LESS

1 THAN FOUR HUNDRED SQUARE FEET, EQUIPPED WITH TABLES AND CHAIRS
2 ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME.

3 "RETAIL DISPENSER" SHALL MEAN ANY PERSON LICENSED TO ENGAGE
4 IN THE RETAIL SALE OF MALT OR BREWED BEVERAGES FOR CONSUMPTION
5 ON THE PREMISES OF SUCH LICENSEE, WITH THE PRIVILEGE OF SELLING
6 MALT OR BREWED BEVERAGES IN QUANTITIES NOT IN EXCESS OF ONE
7 HUNDRED FORTY-FOUR FLUID OUNCES IN A SINGLE SALE TO ONE PERSON,
8 TO BE CARRIED FROM THE PREMISES BY THE PURCHASER THEREOF.

9 "SALE" OR "SELL" SHALL INCLUDE ANY TRANSFER OF LIQUOR,
10 ALCOHOL OR MALT OR BREWED BEVERAGES FOR A CONSIDERATION.

11 "WHISKEY" SHALL MEAN AND INCLUDE ANY ALCOHOLIC DISTILLATE
12 FROM A FERMENTED MASH OF GRAIN, CAPABLE OF BEING USED FOR
13 BEVERAGE PURPOSES.

14 "WINERY" SHALL MEAN AND INCLUDE ANY PREMISES AND PLANTS WHERE
15 ANY ALCOHOL OR LIQUOR IS PRODUCED BY THE PROCESS BY WHICH WINE
16 IS PRODUCED, OR PREMISES AND PLANTS WHEREIN LIQUID SUCH AS WINE
17 IS PRODUCED; AND SHALL INCLUDE THE MANUFACTURE BY DISTILLATION
18 OF ALCOHOL FROM THE BY-PRODUCTS OF WINE FERMENTATION WHEN THE
19 ALCOHOL SO DERIVED IS USED SOLELY TO FORTIFY THE FERMENTED
20 PRODUCTS, UNDER SUCH REGULATIONS AS ARE OR MAY BE PROMULGATED BY
21 THE PROPER AGENCY OF THE UNITED STATES GOVERNMENT, AND SUCH
22 ALCOHOL, FOR THAT PURPOSE ONLY, MAY BE SOLD OR EXCHANGED BETWEEN
23 WINERIES HOLDING PERMITS IN THIS COMMONWEALTH, WITHOUT
24 RESTRICTION.

25 SECTION 3. SECTION 104 OF THE ACT IS AMENDED TO READ:

26 SECTION 104. INTERPRETATION OF ACT.--(A) THIS ACT SHALL BE
27 DEEMED AN EXERCISE OF THE POLICE POWER OF THE COMMONWEALTH FOR
28 THE PROTECTION OF THE PUBLIC WELFARE, HEALTH, PEACE AND MORALS
29 OF THE PEOPLE OF THE COMMONWEALTH AND TO PROHIBIT FOREVER THE
30 OPEN SALOON, AND ALL OF THE PROVISIONS OF THIS ACT SHALL BE

1 LIBERALLY CONSTRUED FOR THE ACCOMPLISHMENT OF THIS PURPOSE.

2 (B) THE PROVISIONS OF THIS ACT ARE SEVERABLE AND IF ANY OF
3 ITS PROVISIONS SHALL BE HELD UNCONSTITUTIONAL THE DECISION OF
4 THE COURT SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING
5 PROVISIONS OF THIS ACT. IT IS HEREBY DECLARED TO BE THE
6 LEGISLATIVE INTENT THAT THIS ACT WOULD HAVE BEEN ADOPTED HAD
7 SUCH UNCONSTITUTIONAL PROVISIONS NOT BEEN INCLUDED HEREIN.

8 (C) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED, THE PURPOSE OF
9 THIS ACT IS TO PROHIBIT THE MANUFACTURE OF AND TRANSACTIONS IN
10 LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES WHICH TAKE PLACE IN
11 THIS COMMONWEALTH, EXCEPT BY AND UNDER THE CONTROL OF THE BOARD
12 OR THE DIVISION, AS HEREIN SPECIFICALLY PROVIDED, AND EVERY
13 SECTION AND PROVISION OF THE ACT SHALL BE CONSTRUED ACCORDINGLY.
14 THE PROVISIONS OF THIS ACT DEALING WITH THE MANUFACTURE,
15 IMPORTATION, SALE AND DISPOSITION OF LIQUOR, ALCOHOL AND MALT OR
16 BREWED BEVERAGES WITHIN THE COMMONWEALTH THROUGH THE
17 INSTRUMENTALITY OF THE BOARD, THE DIVISION AND OTHERWISE,
18 PROVIDE THE MEANS BY WHICH SUCH CONTROL SHALL BE MADE EFFECTIVE.
19 THIS ACT SHALL NOT BE CONSTRUED AS FORBIDDING, AFFECTING OR
20 REGULATING ANY TRANSACTION WHICH IS NOT SUBJECT TO THE
21 LEGISLATIVE AUTHORITY OF THIS COMMONWEALTH.

22 (D) ANY REFERENCE IN THIS ACT TO THE PROVISIONS OF LAW ON
23 ANY SUBJECT SHALL APPLY TO STATUTES BECOMING EFFECTIVE AFTER THE
24 EFFECTIVE DATE OF THIS ACT AS WELL AS TO THOSE THEN IN
25 EXISTENCE.

26 (E) SECTION HEADINGS SHALL NOT BE TAKEN TO GOVERN OR LIMIT
27 THE SCOPE OF THE SECTIONS OF THIS ACT. THE SINGULAR SHALL
28 INCLUDE THE PLURAL AND THE MASCULINE SHALL INCLUDE THE FEMININE
29 AND THE NEUTER.

30 SECTION 4. THE HEADING OF ARTICLE II OF THE ACT IS AMENDED

1 TO READ:

2 ARTICLE II.

3 [PENNSYLVANIA LIQUOR CONTROL BOARD.]

4 ADMINISTRATION AND ENFORCEMENT.

5 SECTION 5. SECTION 205 OF THE ACT IS AMENDED TO READ:

6 SECTION 205. BONDS REQUIRED OF MEMBERS AND SECRETARY.--
7 BEFORE ENTERING UPON THE DUTIES OF THEIR RESPECTIVE OFFICES OR
8 POSITIONS, EACH MEMBER OF THE BOARD AND THE SECRETARY SHALL
9 EXECUTE AND FILE WITH THE STATE TREASURER A BOND IN SUCH PENAL
10 SUM AS SHALL BE FIXED BY THE EXECUTIVE BOARD OF THIS
11 COMMONWEALTH UPON RECOMMENDATION OF THE GOVERNOR, BUT THE AMOUNT
12 OF ANY SUCH BOND SHALL NOT BE LESS THAN TEN THOUSAND DOLLARS
13 (\$10,000). BONDS IN SUCH PENAL SUMS AS SHALL BE FIXED BY THE
14 EXECUTIVE BOARD LIKEWISE SHALL BE EXECUTED AND FILED WITH THE
15 STATE TREASURER BY SUCH EMPLOYEES OF THE PENNSYLVANIA LIQUOR
16 CONTROL BOARD AS THE HEAD OF SUCH BOARD SHALL, WITH THE APPROVAL
17 OF THE EXECUTIVE BOARD, PRESCRIBE. SUCH BONDS SHALL BE PAYABLE
18 TO THE COMMONWEALTH OF PENNSYLVANIA AND SHALL BE CONDITIONED FOR
19 THE FAITHFUL PERFORMANCE OF THE MEMBERS', SECRETARY'S OR
20 EMPLOYEES' DUTIES IMPOSED BY LAW OR BY LAWFUL AUTHORITY AND THAT
21 THE PERSON BONDED WILL NOT KNOWINGLY VIOLATE THE PROVISIONS OF
22 THIS ACT. ALL BONDS REQUIRED TO BE GIVEN UNDER THIS SECTION
23 SHALL, BEFORE BEING ACCEPTED BY THE STATE TREASURER, BE APPROVED
24 BY THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL, AND
25 UNLESS THE COMMONWEALTH SHALL ESTABLISH ITS OWN INDEMNITY FUND,
26 ALL SUCH BONDS SHALL BE GIVEN WITH SECURITY APPROVED BY THE
27 [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL. IF THE
28 COMMONWEALTH SHALL ESTABLISH ITS OWN INDEMNITY FUND, THE
29 EXECUTIVE BOARD MAY, NEVERTHELESS, REQUIRE ANY BOND GIVEN
30 HEREUNDER TO BE EXECUTED BY A SURETY OR SURETIES SATISFACTORY TO

1 THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL. THE COST
2 OF SUCH BONDS REQUIRED TO BE EXECUTED BY A SURETY OR SURETIES
3 SHALL BE BORNE BY THE BOARD AS PART OF ITS OPERATING EXPENSE.

4 SECTION 6. SECTION 207 OF THE ACT, AMENDED MAY 25, 1956
5 (1955 P.L.1743, NO.583), JANUARY 13, 1966 (1965 P.L.1301,
6 NO.518), JUNE 17, 1971 (P.L.180, NO.22) AND JULY 27, 1973
7 (P.L.247, NO.70), IS AMENDED TO READ:

8 SECTION 207. GENERAL POWERS OF BOARD.--UNDER THIS ACT, THE
9 BOARD SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

10 (A) TO BUY, IMPORT OR HAVE IN ITS POSSESSION FOR SALE, AND
11 SELL LIQUOR AND ALCOHOL IN THE MANNER SET FORTH IN THIS ACT:
12 PROVIDED, HOWEVER, THAT ALL PURCHASES SHALL BE MADE SUBJECT TO
13 THE APPROVAL OF THE STATE TREASURER, OR HIS DESIGNATED DEPUTY.

14 (B) TO CONTROL THE MANUFACTURE, POSSESSION, SALE,
15 CONSUMPTION, IMPORTATION, USE, STORAGE, TRANSPORTATION AND
16 DELIVERY OF LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES IN
17 ACCORDANCE WITH THE PROVISIONS OF THIS ACT, AND TO FIX THE
18 WHOLESALE AND RETAIL PRICES AT WHICH LIQUORS AND ALCOHOL SHALL
19 BE SOLD AT PENNSYLVANIA LIQUOR STORES: PROVIDED, THAT IN FIXING
20 THE SALE PRICES, THE BOARD SHALL NOT GIVE ANY PREFERENCE OR MAKE
21 ANY DISCRIMINATION AS TO CLASSES, BRANDS OR OTHERWISE, EXCEPT TO
22 THE EXTENT AND FOR THE LENGTH OF TIME NECESSARY TO SELL SUCH
23 CLASSES OR BRANDS IN COMPLIANCE WITH ANY FEDERAL ACTION FREEZING
24 OR OTHERWISE CONTROLLING THE PRICE OF SAID CLASSES OR BRANDS, OR
25 EXCEPT WHERE SPECIAL SALES ARE DEEMED NECESSARY TO MOVE
26 UNSALEABLE MERCHANDISE, OR EXCEPT WHERE THE ADDITION OF A
27 SERVICE OR HANDLING CHARGE TO THE FIXED SALES PRICE OF ANY
28 MERCHANDISE IN THE SAME COMPARABLE PRICE BRACKET, REGARDLESS OF
29 CLASS, BRAND OR OTHERWISE, IS, IN THE OPINION OF THE BOARD,
30 REQUIRED FOR THE EFFICIENT OPERATION OF THE STATE STORE SYSTEM.

1 THE BOARD SHALL REQUIRE EACH PENNSYLVANIA MANUFACTURER AND EACH
2 NONRESIDENT MANUFACTURER OF LIQUORS, OTHER THAN WINE, SELLING
3 SUCH LIQUORS TO THE BOARD, WHICH ARE NOT MANUFACTURED IN THIS
4 COMMONWEALTH, TO MAKE APPLICATION FOR AND BE GRANTED A PERMIT BY
5 THE BOARD BEFORE SUCH LIQUORS NOT MANUFACTURED IN THIS
6 COMMONWEALTH SHALL BE PURCHASED FROM SUCH MANUFACTURER. EACH
7 SUCH MANUFACTURER SHALL PAY FOR SUCH PERMIT A FEE WHICH, IN THE
8 CASE OF A MANUFACTURER OF THIS COMMONWEALTH, SHALL BE EQUAL TO
9 THAT REQUIRED TO BE PAID, IF ANY, BY A MANUFACTURER OR
10 WHOLESALE OF THE STATE, TERRITORY OR COUNTRY OF ORIGIN OF THE
11 LIQUORS, FOR SELLING LIQUORS MANUFACTURED IN PENNSYLVANIA, AND
12 IN THE CASE OF A NONRESIDENT MANUFACTURER, SHALL BE EQUAL TO
13 THAT REQUIRED TO BE PAID, IF ANY, IN SUCH STATE, TERRITORY OR
14 COUNTRY BY PENNSYLVANIA MANUFACTURERS DOING BUSINESS IN SUCH
15 STATE, TERRITORY OR COUNTRY. IN THE EVENT THAT ANY SUCH
16 MANUFACTURER SHALL, IN THE OPINION OF THE BOARD, SELL OR ATTEMPT
17 TO SELL LIQUORS TO THE BOARD THROUGH ANOTHER PERSON FOR THE
18 PURPOSE OF EVADING THIS PROVISION RELATING TO PERMITS, THE BOARD
19 SHALL REQUIRE SUCH PERSON, BEFORE PURCHASING LIQUORS FROM HIM OR
20 IT, TO TAKE OUT A PERMIT AND PAY THE SAME FEE AS HEREINBEFORE
21 REQUIRED TO BE PAID BY SUCH MANUFACTURER. ALL PERMIT FEES SO
22 COLLECTED SHALL BE PAID INTO THE STATE STORES FUND. THE BOARD
23 SHALL NOT PURCHASE ANY ALCOHOL OR LIQUOR FERMENTED, DISTILLED,
24 RECTIFIED, COMPOUNDED OR BOTTLED IN ANY STATE, TERRITORY OR
25 COUNTRY, THE LAWS OF WHICH RESULT IN PROHIBITING THE IMPORTATION
26 THEREIN OF ALCOHOL OR LIQUOR, FERMENTED, DISTILLED, RECTIFIED,
27 COMPOUNDED OR BOTTLED IN PENNSYLVANIA.

28 (C) TO DETERMINE THE MUNICIPALITIES WITHIN WHICH
29 PENNSYLVANIA LIQUOR STORES SHALL BE ESTABLISHED AND THE
30 LOCATIONS OF THE STORES WITHIN SUCH MUNICIPALITIES.

1 (D) TO GRANT, ISSUE, SUSPEND AND REVOKE ALL LICENSES AND
2 PERMITS AUTHORIZED TO BE ISSUED UNDER THIS ACT AND THE
3 REGULATIONS OF THE BOARD AND IMPOSE FINES ON LICENSEES LICENSED
4 UNDER THIS ACT.

5 (E) THROUGH THE DEPARTMENT OF [PROPERTY AND SUPPLIES]
6 GENERAL SERVICES AS AGENT, TO LEASE AND FURNISH AND EQUIP SUCH
7 BUILDINGS, ROOMS AND OTHER ACCOMMODATIONS AS SHALL BE REQUIRED
8 FOR THE OPERATION OF THIS ACT.

9 (F) TO APPOINT, FIX THE COMPENSATION AND DEFINE THE POWERS
10 AND DUTIES OF SUCH MANAGERS, [OFFICERS,] INSPECTORS, EXAMINERS,
11 CLERKS AND OTHER EMPLOYEES AS SHALL BE REQUIRED FOR THE OPERATION
12 OF THIS ACT, SUBJECT TO THE PROVISIONS OF THE ADMINISTRATIVE
13 CODE OF 1929 AND THE CIVIL SERVICE ACT.

14 (G) TO DETERMINE THE NATURE, FORM AND CAPACITY OF ALL
15 PACKAGES AND ORIGINAL CONTAINERS TO BE USED FOR CONTAINING
16 LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES.

17 (H) WITHOUT IN ANY WAY LIMITING OR BEING LIMITED BY THE
18 FOREGOING, TO DO ALL SUCH THINGS AND PERFORM ALL SUCH ACTS AS
19 ARE DEEMED NECESSARY OR ADVISABLE FOR THE PURPOSE OF CARRYING
20 INTO EFFECT THE PROVISIONS OF THIS ACT AND THE REGULATIONS MADE
21 THEREUNDER.

22 (I) FROM TIME TO TIME, TO MAKE SUCH REGULATIONS NOT
23 INCONSISTENT WITH THIS ACT AS IT MAY DEEM NECESSARY FOR THE
24 EFFICIENT ADMINISTRATION OF THIS ACT. THE BOARD SHALL CAUSE SUCH
25 REGULATIONS TO BE PUBLISHED AND DISSEMINATED THROUGHOUT THE
26 COMMONWEALTH IN SUCH MANNER AS IT SHALL DEEM NECESSARY AND
27 ADVISABLE OR AS MAY BE PROVIDED BY LAW. SUCH REGULATIONS ADOPTED
28 BY THE BOARD SHALL HAVE THE SAME FORCE AS IF THEY FORMED A PART
29 OF THIS ACT.

30 [(J) TO INVESTIGATE, WHENEVER ANY PERSON COMPLAINS, OR WHEN

1 THE BOARD IS AWARE THAT THERE IS REASONABLE GROUNDS TO BELIEVE
2 LIQUOR OR MALT OR BREWED BEVERAGE IS BEING SOLD ON PREMISES NOT
3 LICENSED UNDER THE PROVISIONS OF THIS ACT. IF THE INVESTIGATION
4 PRODUCES EVIDENCE OF THE UNLAWFUL SALE OF LIQUOR OR MALT OR
5 BREWED BEVERAGE OR OF ANY OTHER VIOLATION OF THE PROVISIONS OF
6 THIS ACT, THE BOARD SHALL CAUSE THE PROSECUTION OF THE PERSON OR
7 PERSONS BELIEVED TO HAVE BEEN CRIMINALLY LIABLE FOR THE UNLAWFUL
8 ACTS. ANY EQUIPMENT OR APPURTENANCES ACTUALLY USED IN THE
9 COMMISSION OF THE UNLAWFUL ACTS MAY BE CONFISCATED UPON
10 DIRECTION OF THE BOARD. THE CONFISCATION BY OR UNDER THE
11 DIRECTION OF THE BOARD SHALL NOT, IN ANY MANNER, DIVEST OR
12 IMPAIR THE RIGHTS OR INTEREST OF ANY BONA FIDE LIEN HOLDER IN
13 THE EQUIPMENT OR APPURTENANCES, WHO HAD NO KNOWLEDGE THAT THE
14 SAME WAS BEING USED IN VIOLATION OF THIS ACT.]

15 SECTION 7. SECTION 209 OF THE ACT, AMENDED JULY 31, 1968
16 (P.L.799, NO.243), IS AMENDED TO READ:

17 [SECTION 209. OFFICERS AND INVESTIGATORS OF THE BOARD TO BE
18 PEACE OFFICERS; POWERS.--SUCH EMPLOYES OF THE BOARD AS ARE
19 DESIGNATED "ENFORCEMENT OFFICERS" OR "INVESTIGATORS" ARE HEREBY
20 DECLARED TO BE PEACE OFFICERS AND ARE HEREBY GIVEN POLICE POWER
21 AND AUTHORITY THROUGHOUT THE COMMONWEALTH TO ARREST ON VIEW,
22 EXCEPT IN PRIVATE HOMES, WITHOUT WARRANT, ANY PERSON ACTUALLY
23 ENGAGED IN THE UNLAWFUL SALE, IMPORTATION, MANUFACTURE OR
24 TRANSPORTATION, OR HAVING UNLAWFUL POSSESSION OF LIQUOR, ALCOHOL
25 OR MALT OR BREWED BEVERAGES, CONTRARY TO THE PROVISIONS OF THIS
26 ACT OR ANY OTHER LAW OF THIS COMMONWEALTH. SUCH OFFICERS AND
27 INVESTIGATORS SHALL HAVE POWER AND AUTHORITY, UPON REASONABLE
28 AND PROBABLE CAUSE, TO SEARCH FOR AND TO SEIZE WITHOUT WARRANT
29 OR PROCESS, EXCEPT IN PRIVATE HOMES, ANY LIQUOR, ALCOHOL AND
30 MALT OR BREWED BEVERAGES UNLAWFULLY POSSESSED, MANUFACTURED,

1 SOLD, IMPORTED OR TRANSPORTED, AND ANY STILLS, EQUIPMENT,
2 MATERIALS, UTENSILS, VEHICLES, BOATS, VESSELS, ANIMALS,
3 AIRCRAFT, OR ANY OF THEM, WHICH ARE OR HAVE BEEN USED IN THE
4 UNLAWFUL MANUFACTURE, SALE, IMPORTATION OR TRANSPORTATION OF THE
5 SAME. SUCH LIQUOR, ALCOHOL, MALT OR BREWED BEVERAGES, STILLs,
6 EQUIPMENT, MATERIALS, UTENSILS, VEHICLES, BOATS, VESSELS,
7 ANIMALS OR AIRCRAFT SO SEIZED SHALL BE DISPOSED OF AS
8 HEREINAFTER PROVIDED.

9 ENFORCEMENT OFFICERS OR INVESTIGATORS MAY BE RETIRED UPON
10 REACHING AGE SIXTY-FIVE.]

11 SECTION 8. SECTION 210 OF THE ACT IS AMENDED TO READ:

12 [SECTION 210. RESTRICTIONS ON MEMBERS OF THE BOARD AND
13 EMPLOYEES OF COMMONWEALTH.--(A) A MEMBER OR EMPLOYEE OF THE BOARD
14 SHALL NOT BE DIRECTLY OR INDIRECTLY INTERESTED OR ENGAGED IN ANY
15 OTHER BUSINESS OR UNDERTAKING DEALING IN LIQUOR, ALCOHOL, OR
16 MALT OR BREWED BEVERAGES, WHETHER AS OWNER, PART OWNER, PARTNER,
17 MEMBER OF SYNDICATE, SHAREHOLDER, AGENT OR EMPLOYEE, AND WHETHER
18 FOR HIS OWN BENEFIT OR IN A FIDUCIARY CAPACITY FOR SOME OTHER
19 PERSON.

20 (B) NO MEMBER OR EMPLOYEE OF THE BOARD NOR ANY EMPLOYEE OF THE
21 COMMONWEALTH SHALL SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY,
22 ANY COMMISSION, REMUNERATION OR GIFT WHATSOEVER, FROM ANY PERSON
23 HAVING SOLD, SELLING OR OFFERING LIQUOR OR ALCOHOL FOR SALE TO
24 THE BOARD FOR USE IN PENNSYLVANIA LIQUOR STORES.]

25 SECTION 9. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

26 SECTION 211. OFFICE OF ADMINISTRATIVE LAW JUDGE.--(A) THERE
27 IS HEREBY CREATED WITHIN THE BOARD AN AUTONOMOUS OFFICE TO BE
28 KNOWN AS THE OFFICE OF ADMINISTRATIVE LAW JUDGE.

29 (B) THE GOVERNOR SHALL APPOINT A CHIEF ADMINISTRATIVE LAW
30 JUDGE AND AS MANY ADMINISTRATIVE LAW JUDGES AS MAY FROM TIME TO

1 TIME BE NECESSARY FOR THE HOLDING OF HEARINGS REQUIRED OR
2 PERMITTED UNDER THIS ACT.

3 (C) ADMINISTRATIVE LAW JUDGES SHALL PRESIDE AT ALL CITATION
4 AND OTHER ENFORCEMENT HEARINGS REQUIRED OR PERMITTED UNDER THIS
5 ACT.

6 (D) ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO THIS
7 SECTION SHALL BE LEARNED IN THE LAW AND SHALL BE MEMBERS IN GOOD
8 STANDING OF THE BAR OF THE SUPREME COURT OF PENNSYLVANIA.

9 (E) ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO THIS
10 SECTION SHALL BE AFFORDED EMPLOYMENT SECURITY AS PROVIDED BY THE
11 ACT OF AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS THE "CIVIL
12 SERVICE ACT."

13 (F) COMPENSATION FOR THE ADMINISTRATIVE LAW JUDGES SHALL BE
14 ESTABLISHED BY THE EXECUTIVE BOARD.

15 (G) ADMINISTRATIVE LAW JUDGES SHALL DEVOTE FULL TIME TO
16 THEIR OFFICIAL DUTIES AND SHALL PERFORM NO DUTIES INCONSISTENT
17 WITH THEIR DUTIES AND RESPONSIBILITIES AS ADMINISTRATIVE LAW
18 JUDGES.

19 SECTION 212. POWERS OF THE LIQUOR CODE ENFORCEMENT
20 DIVISION.--(A) THERE IS HEREBY CREATED WITHIN THE OFFICE OF
21 ATTORNEY GENERAL THE LIQUOR CODE ENFORCEMENT DIVISION WHICH
22 SHALL BE RESPONSIBLE FOR ENFORCING THIS ACT AND THE REGULATIONS
23 PROMULGATED PURSUANT THERETO.

24 (B) THE ATTORNEY GENERAL SHALL APPOINT AN EXECUTIVE DIRECTOR
25 OF THE DIVISION AND SHALL FIX HIS COMPENSATION.

26 (C) THE EMPLOYES OF THE DIVISION WHO ARE DESIGNATED BY THE
27 EXECUTIVE DIRECTOR OF THE DIVISION AS LAW ENFORCEMENT OFFICERS
28 ARE HEREBY DECLARED TO BE PEACE OFFICERS AND ARE HEREBY GIVEN
29 POLICE POWER THROUGHOUT THE COMMONWEALTH:

30 (1) TO INVESTIGATE WHENEVER THERE ARE REASONABLE GROUNDS TO

BELIEVE LIQUOR OR MALT OR BREWED BEVERAGE IS BEING SOLD ON
PREMISES NOT LICENSED UNDER THE PROVISIONS OF THIS ACT. IF THE
INVESTIGATION PRODUCES EVIDENCE OF THE UNLAWFUL SALE OF LIQUOR
OR MALT OR BREWED BEVERAGE OR ANY OTHER VIOLATION OF THE
PROVISIONS OF THIS ACT, THE EMPLOYE OF THE LIQUOR CODE
ENFORCEMENT DIVISION INVOLVED IN THE INVESTIGATION SHALL
INSTITUTE CRIMINAL PROCEEDINGS AGAINST THE PERSON OR PERSONS
BELIEVED TO HAVE BEEN CRIMINALLY LIABLE, AS OTHERWISE PROVIDED
BY LAW OR RULE OF COURT.

(2) TO ARREST ON VIEW, EXCEPT IN PRIVATE HOMES, WITHOUT
WARRANT, ANY PERSON ACTUALLY ENGAGED IN THE UNLAWFUL SALE,
IMPORTATION, MANUFACTURE OR TRANSPORTATION OR HAVING UNLAWFUL
POSSESSION OF LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES
CONTRARY TO THE PROVISIONS OF THIS ACT OR ANY OTHER LAW OF THIS
COMMONWEALTH.

(3) UPON REASONABLE AND PROBABLE CAUSE, TO SEARCH FOR AND TO
SEIZE, WITHOUT WARRANT OR PROCESS, EXCEPT IN PRIVATE HOMES, ANY
LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES UNLAWFULLY
POSSESSED, MANUFACTURED, SOLD, IMPORTED OR TRANSPORTED AND ANY
STILLS, EQUIPMENT, MATERIALS, UTENSILS, VEHICLES, BOATS,
VESSELS, ANIMALS, AIRCRAFT, OR ANY OF THEM, WHICH ARE OR HAVE
BEEN USED IN THE UNLAWFUL MANUFACTURE, SALE, IMPORTATION OR
TRANSPORTATION OF THE SAME. SUCH LIQUOR, ALCOHOL, MALT OR BREWED
BEVERAGES, STILLS, EQUIPMENT, MATERIALS, UTENSILS, VEHICLES,
BOATS, VESSELS, ANIMALS OR AIRCRAFT SO SEIZED SHALL BE DISPOSED
OF AS HEREINAFTER PROVIDED.

(4) TO INVESTIGATE, ISSUE CITATIONS FOR, AND PROSECUTE SAID
CITATIONS FOR ANY VIOLATIONS OF THIS ACT OR ANY LAWS OF THIS
COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED
BEVERAGES, OR ANY REGULATIONS OF THE BOARD ADOPTED PURSUANT TO

1 SUCH LAWS, OF ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH OR
2 OF THE UNITED STATES OF AMERICA, RELATING TO THE PAYMENT OF
3 TAXES ON LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES BY ANY
4 LICENSEE, HIS OFFICERS, SERVANTS, AGENTS OR EMPLOYES.

5 (D) ANY EQUIPMENT OR APPURTENANCE ACTUALLY USED IN THE
6 COMMISSION OF THE UNLAWFUL ACTS MAY BE CONFISCATED. THE
7 CONFISCATION SHALL NOT, IN ANY MANNER, DIVEST OR IMPAIR THE
8 RIGHTS OR INTEREST OF ANY BONA FIDE LIENHOLDER IN THE EQUIPMENT
9 OR APPURTENANCE.

10 (E) THE AUTHORITY GIVEN THE LIQUOR CODE ENFORCEMENT DIVISION
11 PURSUANT TO THIS SECTION SHALL NOT BE EXCLUSIVE.

12 SECTION 213. RESTRICTIONS ON MEMBERS OF THE BOARD, THE
13 ATTORNEY GENERAL AND CERTAIN EMPLOYES.--(A) NEITHER A MEMBER
14 NOR EMPLOYE OF THE BOARD, NOR AN EMPLOYE OF THE OFFICE OF
15 ADMINISTRATIVE LAW JUDGE, NOR THE ATTORNEY GENERAL, NOR AN
16 EMPLOYE OF THE DIVISION SHALL BE DIRECTLY OR INDIRECTLY
17 INTERESTED OR ENGAGED IN ANY OTHER BUSINESS OR UNDERTAKING
18 DEALING IN LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES, WHETHER
19 AS OWNER, PART OWNER, PARTNER, MEMBER OF SYNDICATE, SHAREHOLDER,
20 AGENT OR EMPLOYE AND WHETHER FOR HIS OWN BENEFIT OR IN A
21 FIDUCIARY CAPACITY FOR SOME OTHER PERSON.

22 (B) NEITHER A MEMBER OF THE BOARD, NOR THE ATTORNEY GENERAL,
23 NOR ANY EMPLOYE THEREOF, NOR ANY EMPLOYE OF ANY LAW ENFORCEMENT
24 AGENCY SHALL SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, ANY
25 COMMISSION, REMUNERATION OR GIFT WHATSOEVER, FROM ANY PERSON
26 HAVING SOLD, SELLING OR OFFERING LIQUOR OR ALCOHOL FOR SALE TO
27 THE BOARD FOR USE IN PENNSYLVANIA LIQUOR STORES, OR FROM ANY
28 PERSON HOLDING OR SEEKING A LICENSE UNDER THE PROVISIONS OF THIS
29 ACT.

30 SECTION 214. FEES FOR LICENSES AND PERMITS.--UNLESS

1 SPECIFICALLY SET FORTH IN THIS ACT, ALL FEES FOR PERMITS AND
2 LICENSES OR APPLICATIONS, RENEWALS OR TRANSFERS SHALL BE AS
3 ESTABLISHED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
4 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

5 SECTION 10. SECTION 464 OF THE ACT, REPEALED IN PART JUNE 3,
6 1971 (P.L.118, NO.6), IS AMENDED TO READ:

7 SECTION 464. HEARINGS UPON [REFUSAL OF] APPLICATIONS FOR
8 LICENSES, RENEWALS OR TRANSFERS AND REFUSALS OF APPLICATIONS;
9 APPEALS.--(A) THE BOARD MAY OF ITS OWN MOTION, AND SHALL UPON
10 THE WRITTEN REQUEST OF THE DIVISION OR OF ANY APPLICANT FOR
11 CLUB, HOTEL OR RESTAURANT LIQUOR LICENSE, OR ANY APPLICANT FOR
12 ANY MALT OR BREWED BEVERAGE LICENSE OTHER THAN A PUBLIC SERVICE
13 LICENSE, OR FOR RENEWAL OR TRANSFER THEREOF, WHOSE APPLICATION
14 FOR SUCH LICENSE, RENEWAL OR TRANSFER HAS BEEN REFUSED, FIX A
15 TIME AND PLACE FOR HEARING OF SUCH APPLICATION FOR LICENSE OR
16 FOR RENEWAL OR TRANSFER THEREOF, NOTICE OF WHICH HEARING SHALL
17 BE MAILED TO THE APPLICANT AT THE ADDRESS GIVEN IN HIS
18 APPLICATION.

19 (B) SUCH HEARING SHALL BE BEFORE THE BOARD, A MEMBER
20 THEREOF, OR AN EXAMINER DESIGNATED BY THE BOARD.

21 (C) AT SUCH HEARING, THE BOARD SHALL PRESENT ITS REASONS FOR
22 ITS REFUSAL OR WITHHOLDING OF LICENSE, RENEWAL OR TRANSFER
23 THEREOF OR THE DIVISION SHALL PRESENT ITS REASONS FOR ITS
24 OBJECTIONS TO THE GRANTING OR ISSUING OF LICENSE, RENEWAL OR
25 TRANSFER THEREOF, AS APPROPRIATE. THE APPLICANT MAY APPEAR IN
26 PERSON OR BY COUNSEL, MAY CROSS-EXAMINE THE WITNESSES FOR THE
27 BOARD OR THE DIVISION AND MAY PRESENT EVIDENCE WHICH SHALL
28 LIKEWISE BE SUBJECT TO CROSS-EXAMINATION BY THE BOARD OR THE
29 DIVISION, OR BOTH. SUCH HEARING SHALL BE STENOGRAPHICALLY
30 RECORDED. THE EXAMINER SHALL THEREAFTER REPORT TO THE BOARD UPON

1 SUCH HEARING. THE BOARD SHALL THEREUPON GRANT OR REFUSE THE
2 LICENSE, RENEWAL OR TRANSFER THEREOF. [IN CONSIDERING THE
3 RENEWAL OF A LICENSE, THE BOARD SHALL NOT REFUSE ANY SUCH
4 RENEWAL ON THE BASIS OF THE PROPRIETY OF THE ORIGINAL ISSUANCE
5 OR ANY PRIOR RENEWAL OF SUCH LICENSE. IF THE BOARD SHALL REFUSE
6 SUCH LICENSE, RENEWAL OR TRANSFER FOLLOWING SUCH HEARING, NOTICE
7 IN WRITING OF SUCH REFUSAL SHALL BE MAILED TO THE APPLICANT AT
8 THE ADDRESS GIVEN IN HIS APPLICATION. IN ALL SUCH CASES, THE
9 BOARD SHALL FILE OF RECORD AT LEAST A BRIEF STATEMENT IN THE
10 FORM OF AN OPINION OF THE REASONS FOR THE RULING OR ORDER AND
11 FURNISH A COPY THEREOF TO THE APPLICANT. ANY APPLICANT WHO HAS
12 APPEARED BEFORE THE BOARD OR ANY AGENT THEREOF AT ANY HEARING,
13 AS ABOVE PROVIDED, WHO IS AGGRIEVED BY THE REFUSAL OF THE BOARD
14 TO ISSUE ANY SUCH LICENSE OR TO RENEW OR TRANSFER ANY SUCH
15 LICENSE MAY APPEAL, OR ANY CHURCH, HOSPITAL, CHARITABLE
16 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND LOCATED WITHIN THREE
17 HUNDRED FEET OF THE PREMISES APPLIED FOR, AGGRIEVED BY THE
18 ACTION OF THE BOARD IN GRANTING THE ISSUANCE OF ANY SUCH LICENSE
19 OR THE TRANSFER OF ANY SUCH LICENSE, MAY TAKE AN APPEAL LIMITED
20 TO THE QUESTION OF SUCH GRIEVANCE, WITHIN TWENTY DAYS FROM DATE
21 OF REFUSAL OR GRANT, TO THE COURT OF QUARTER SESSIONS OF THE
22 COUNTY IN WHICH THE PREMISES APPLIED FOR IS LOCATED OR THE
23 COUNTY COURT OF ALLEGHENY COUNTY. SUCH APPEAL SHALL BE UPON
24 PETITION OF THE AGGRIEVED PARTY, WHO SHALL SERVE A COPY THEREOF
25 UPON THE BOARD, WHEREUPON A HEARING SHALL BE HELD UPON THE
26 PETITION BY THE COURT UPON TEN DAYS' NOTICE TO THE BOARD, WHICH
27 SHALL BE REPRESENTED IN THE PROCEEDING BY THE DEPARTMENT OF
28 JUSTICE. THE SAID APPEAL SHALL ACT AS A SUPERSEDEAS UNLESS UPON
29 SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE OTHERWISE. THE
30 COURT SHALL HEAR THE APPLICATION DE NOVO ON QUESTIONS OF FACT,

1 ADMINISTRATIVE DISCRETION AND SUCH OTHER MATTERS AS ARE
2 INVOLVED, AT SUCH TIME AS IT SHALL FIX, OF WHICH NOTICE SHALL BE
3 GIVEN TO THE BOARD. THE COURT SHALL EITHER SUSTAIN OR OVER-RULE
4 THE ACTION OF THE BOARD AND EITHER ORDER OR DENY THE ISSUANCE
5 OF A NEW LICENSE OR THE RENEWAL OR TRANSFER OF THE LICENSE TO
6 THE APPLICANT.

7 THE JURISDICTION OF THE COUNTY COURT OF ALLEGHENY COUNTY
8 CONFERRED HEREBY SHALL BE EXCLUSIVE WITHIN THE TERRITORIAL
9 LIMITS OF ITS JURISDICTION.]

10 (D) AT ANY HEARING HELD ON THE REQUEST OF THE DIVISION, THE
11 DIVISION SHALL BE REPRESENTED BY ITS CHIEF PROSECUTING COUNSEL
12 OR AN ASSISTANT PROSECUTING COUNSEL.

13 (E) SUCH HEARING SHALL BE IN ACCORDANCE WITH 2 PA.C.S. CH. 5
14 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
15 AGENCIES).

16 (F) THE BOARD OR THE DIVISION OR ANY APPLICANT OR ANY
17 CHURCH, SCHOOL, HOSPITAL, CHARITABLE INSTITUTION OR PUBLIC
18 PLAYGROUND LOCATED WITHIN THREE HUNDRED FEET OF THE PREMISES
19 APPLIED FOR WHO IS AGGRIEVED BY THE ADJUDICATION MAY TAKE AN
20 APPEAL WITHIN THIRTY DAYS FROM THE DATE OF THE ADJUDICATION TO
21 THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PREMISES
22 APPLIED FOR IS LOCATED. ANY SUCH APPEAL SHALL BE IN ACCORDANCE
23 WITH 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
24 COMMONWEALTH AGENCY ACTION).

25 SECTION 11. SECTION 468 OF THE ACT IS AMENDED BY ADDING A
26 SUBSECTION AND THE ACT IS AMENDED BY ADDING A SECTION TO READ:

27 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--* * *

28 (D) THE LICENSE SHALL CONSTITUTE A PRIVILEGE BETWEEN THE
29 BOARD AND THE LICENSEE. AS BETWEEN THE LICENSEE AND THIRD
30 PARTIES THE LICENSE SHALL CONSTITUTE PROPERTY.

1 SECTION 470.2. EXCHANGE OF HOTEL LIQUOR LICENSE; SPECIAL
2 PROVISIONS.--IN ANY CASE WHERE THE BOARD FINDS THAT THE HOLDER
3 OF A HOTEL LIQUOR LICENSE CANNOT COMPLY WITH THE PROVISIONS OF
4 SECTION 461(C) BECAUSE DURING 1985 THE PREMISES FOR WHICH SAID
5 LICENSE WAS ISSUED WAS DESTROYED OR SUBSTANTIALLY DAMAGED BY A
6 NATURAL DISASTER WHICH RESULTED IN A PRESIDENTIAL DECLARATION OF
7 AN EMERGENCY OR OF A MAJOR DISASTER, THE BOARD SHALL,
8 NOTWITHSTANDING THE QUOTA PROVISIONS OF THIS ACT, UPON RECEIPT
9 OF AN APPLICATION FOR A RESTAURANT LIQUOR LICENSE TOGETHER WITH
10 APPROPRIATE FEES AND BOND, RECEIVE THE HOTEL LIQUOR LICENSE AND
11 ISSUE IN EXCHANGE FOR SAID LICENSE A RESTAURANT LIQUOR LICENSE.

12 SECTION 12. SECTION 471 OF THE ACT, AMENDED JANUARY 13, 1966
13 (1965 P.L.1301, NO.518) AND REPEALED IN PART JUNE 3, 1971
14 (P.L.118, NO.6), IS AMENDED TO READ:

15 SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.--
16 [UPON LEARNING OF ANY VIOLATION OF THIS ACT OR ANY LAWS OF THIS
17 COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED
18 BEVERAGES, OR OF ANY REGULATIONS OF THE BOARD ADOPTED PURSUANT
19 TO SUCH LAWS, OF ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH
20 OR OF THE UNITED STATES OF AMERICA RELATING TO THE TAX-PAYMENT
21 OF LIQUOR OR MALT OR BREWED BEVERAGES BY ANY LICENSEE WITHIN THE
22 SCOPE OF THIS ARTICLE, HIS OFFICERS, SERVANTS, AGENTS OR
23 EMPLOYES, OR UPON ANY OTHER SUFFICIENT CAUSE SHOWN, THE BOARD
24 MAY, WITHIN ONE YEAR FROM THE DATE OF SUCH VIOLATION OR CAUSE
25 APPEARING, CITE SUCH LICENSEE TO APPEAR BEFORE IT OR ITS
26 EXAMINER, NOT LESS THAN TEN NOR MORE THAN SIXTY DAYS FROM THE
27 DATE OF SENDING SUCH LICENSEE, BY REGISTERED MAIL, A NOTICE
28 ADDRESSED TO HIM AT HIS LICENSED PREMISES, TO SHOW CAUSE WHY
29 SUCH LICENSE SHOULD NOT BE SUSPENDED OR REVOKED OR A FINE
30 IMPOSED. HEARINGS ON SUCH CITATIONS SHALL BE HELD IN THE SAME

1 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR
2 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION
3 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE BOARD SHALL
4 IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF
5 NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN ONE THOUSAND
6 DOLLARS (\$1,000), NOTIFYING THE LICENSEE BY REGISTERED LETTER
7 ADDRESSED TO HIS LICENSED PREMISES. IN THE EVENT THE FINE IS NOT
8 PAID WITHIN TWENTY DAYS OF THE ORDER THE BOARD SHALL SUSPEND OR
9 REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY REGISTERED MAIL
10 ADDRESSED TO HIS LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS
11 SHALL NOT GO INTO EFFECT UNTIL TWENTY DAYS HAVE ELAPSED FROM THE
12 DATE OF NOTICE OF ISSUANCE OF THE BOARD'S ORDER, DURING WHICH
13 TIME THE LICENSEE MAY TAKE AN APPEAL AS PROVIDED FOR IN THIS
14 ACT. WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE
15 FORFEITED BY THE BOARD. ANY LICENSEE WHOSE LICENSE IS REVOKED
16 SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT UNTIL THE
17 EXPIRATION OF THREE YEARS FROM THE DATE SUCH LICENSE WAS
18 REVOKED. IN THE EVENT THE BOARD SHALL REVOKE A LICENSE, NO
19 LICENSE SHALL BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE
20 PREMISES IN WHICH THE SAID LICENSE WAS CONDUCTED FOR A PERIOD OF
21 AT LEAST ONE YEAR AFTER THE DATE OF THE REVOCATION OF THE
22 LICENSE CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE
23 THE LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE
24 OWNER OF THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS
25 DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE SAID YEAR. IN
26 ALL SUCH CASES, THE BOARD SHALL FILE OF RECORD AT LEAST A BRIEF
27 STATEMENT IN THE FORM OF AN OPINION OF THE REASONS FOR THE
28 RULING OR ORDER. IN THE EVENT THE PERSON WHO WAS FINED OR WHOSE
29 LICENSE WAS SUSPENDED OR REVOKED BY THE BOARD SHALL FEEL
30 AGGRIEVED BY THE ACTION OF THE BOARD, HE SHALL HAVE THE RIGHT TO

1 APPEAL TO THE COURT OF QUARTER SESSIONS OR THE COUNTY COURT OF
2 ALLEGHENY COUNTY IN THE SAME MANNER AS HEREIN PROVIDED FOR
3 APPEALS FROM REFUSALS TO GRANT LICENSES. UPON APPEAL, THE COURT
4 SO APPEALED TO SHALL, IN THE EXERCISE OF ITS DISCRETION,
5 SUSTAIN, REJECT, ALTER OR MODIFY THE FINDINGS, CONCLUSIONS AND
6 PENALTIES OF THE BOARD, BASED ON THE FINDINGS OF FACT AND
7 CONCLUSIONS OF LAW AS FOUND BY THE COURT. THE AFORESAID APPEAL
8 SHALL ACT AS A SUPERSEDEAS UNLESS UPON SUFFICIENT CAUSE SHOWN
9 THE COURT SHALL DETERMINE OTHERWISE. NO PENALTY PROVIDED BY THIS
10 SECTION SHALL BE IMPOSED BY THE BOARD OR ANY COURT FOR ANY
11 VIOLATIONS PROVIDED FOR IN THIS ACT UNLESS THE ENFORCEMENT
12 OFFICER OR THE BOARD NOTIFIES THE LICENSEE OF ITS NATURE AND OF
13 THE DATE OF THE ALLEGED VIOLATION WITHIN TEN DAYS OF THE
14 COMPLETION OF THE INVESTIGATION WHICH IN NO EVENT SHALL EXCEED
15 NINETY DAYS.] (A) UPON LEARNING OF ANY VIOLATION OF THIS ACT OR
16 ANY LAWS OF THIS COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR
17 MALT OR BREWED BEVERAGES, OR OF ANY REGULATIONS OF THE BOARD
18 ADOPTED PURSUANT TO SUCH LAWS, OR ANY VIOLATION OF ANY LAWS OF
19 THIS COMMONWEALTH OR OF THE FEDERAL GOVERNMENT RELATING TO THE
20 PAYMENT OF TAXES ON LIQUOR OR MALT OR BREWED BEVERAGES BY ANY
21 LICENSEE WITHIN THE SCOPE OF THIS ARTICLE, HIS OFFICERS,
22 SERVANTS, AGENTS OR EMPLOYES, OR UPON ANY OTHER SUFFICIENT CAUSE
23 SHOWN, THE DIVISION MAY, WITHIN ONE YEAR FROM THE DATE OF SUCH
24 VIOLATION OR CAUSE APPEARING, CITE SUCH LICENSEE TO APPEAR
25 BEFORE AN ADMINISTRATIVE LAW JUDGE, NOT LESS THAN TEN NOR MORE
26 THAN SIXTY DAYS FROM THE DATE OF SENDING SUCH LICENSEE, BY
27 REGISTERED MAIL, A NOTICE ADDRESSED TO HIM AT HIS LICENSED
28 PREMISES, TO SHOW CAUSE WHY SUCH LICENSE SHOULD NOT BE SUSPENDED
29 OR REVOKED OR A FINE IMPOSED, OR BOTH. THE DIVISION SHALL ALSO
30 SEND A COPY OF THE HEARING NOTICE TO THE MUNICIPALITY IN WHICH

1 THE PREMISES IS LOCATED.

2 (B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME
3 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR
4 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION
5 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE
6 LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR
7 IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN
8 ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE
9 BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE
10 LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
11 493(1) INsofar AS IT RELATES TO SALES TO MINORS, (10) INsofar AS
12 IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT, (14),
13 (16) OR (21) OF THIS ACT OR HAS BEEN FOUND TO BE A PUBLIC
14 NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR OPERATOR OF
15 THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE OWNER OR
16 OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT OF APRIL
17 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE,
18 DRUG, DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. § 5902
19 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301
20 (RELATING TO CORRUPTION OF MINORS), AT OR RELATING TO THE
21 LICENSED PREMISES, THE ADMINISTRATIVE LAW JUDGE SHALL
22 IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE NOT
23 TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) OR BOTH. THE
24 ADMINISTRATIVE LAW JUDGE SHALL NOTIFY THE LICENSEE BY REGISTERED
25 MAIL, ADDRESSED TO THE LICENSED PREMISES, OF SUCH SUSPENSION,
26 REVOCATION OR FINE. THE INCREASED CIVIL PENALTY IMPOSED BY THIS
27 SUBSECTION SHALL NOT BE USED TO REQUIRE ANY LICENSEE TO INCREASE
28 THE AMOUNT OF THE BOND REQUIRED BY THIS ACT. IN THE EVENT THE
29 FINE IS NOT PAID WITHIN TWENTY DAYS OF THE ADJUDICATION THE
30 ADMINISTRATIVE LAW JUDGE SHALL SUSPEND OR REVOKE THE LICENSE,

1 NOTIFYING THE LICENSEE BY REGISTERED MAIL ADDRESSED TO THE
2 LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS SHALL NOT GO INTO
3 EFFECT UNTIL THIRTY DAYS HAVE ELAPSED FROM THE DATE OF THE
4 ADJUDICATION DURING WHICH TIME THE LICENSEE MAY TAKE AN APPEAL
5 AS PROVIDED FOR IN THIS ACT. WHEN A LICENSE IS REVOKED, THE
6 LICENSEE'S BOND MAY BE FORFEITED. ANY LICENSEE WHOSE LICENSE IS
7 REVOKED SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT
8 UNTIL THE EXPIRATION OF THREE YEARS FROM THE DATE SUCH LICENSE
9 WAS REVOKED. IN THE EVENT A LICENSE IS REVOKED, NO LICENSE SHALL
10 BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE PREMISES IN
11 WHICH THE SAID LICENSE WAS CONDUCTED FOR A PERIOD OF AT LEAST
12 ONE YEAR AFTER THE DATE OF THE REVOCATION OF THE LICENSE
13 CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE THE
14 LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE OWNER OF
15 THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS DISCRETION,
16 ISSUE OR TRANSFER A LICENSE WITHIN THE SAID YEAR. IN THE EVENT
17 THE DIVISION OR THE PERSON WHO WAS FINED OR WHOSE LICENSE WAS
18 SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED BY THE ADJUDICATION OF
19 THE ADMINISTRATIVE LAW JUDGE, THERE SHALL BE A RIGHT TO APPEAL
20 TO THE COURT OF COMMON PLEAS IN THE SAME MANNER AS HEREIN
21 PROVIDED FOR APPEALS FROM REFUSALS TO GRANT LICENSES. THE
22 AFORESAID APPEAL SHALL ACT AS A SUPERSEDEAS UNLESS UPON
23 SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE OTHERWISE;
24 HOWEVER, IF THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE
25 VIOLATED SECTION 493(1) INsofar AS IT RELATES TO SALES TO
26 MINORS, (10) INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER
27 ENTERTAINMENT, (14), (16) OR (21) OR HAS BEEN FOUND TO BE A
28 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR
29 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
30 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT

1 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED
2 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. §
3 5902 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301
4 (RELATING TO CORRUPTION OF MINORS), AT OR RELATING TO THE
5 LICENSED PREMISES, ITS APPEAL SHALL NOT ACT AS A SUPERSEDEAS
6 UNLESS THE COURT DETERMINES OTHERWISE UPON SUFFICIENT CAUSE
7 SHOWN. IN ANY HEARING ON AN APPLICATION FOR A SUPERSEDEAS UNDER
8 THIS SECTION THE COURT MAY CONSIDER, IN ADDITION TO OTHER
9 RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE, INCLUDING RECORDS OF
10 THE DIVISION, SHOWING THE PRIOR HISTORY OF CITATIONS, FINES,
11 SUSPENSIONS OR REVOCATIONS AGAINST THE LICENSEE; AND THE COURT
12 MAY ALSO CONSIDER, IN ADDITION TO OTHER RELEVANT EVIDENCE,
13 EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL ACTIVITY OCCURRING
14 BETWEEN THE DATE OF THE CITATION WHICH IS THE SUBJECT OF THE
15 APPEAL AND THE DATE OF THE HEARING BY THE COURT. NO PENALTY
16 PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY VIOLATIONS
17 PROVIDED FOR IN THIS ACT UNLESS THE DIVISION NOTIFIES THE
18 LICENSEE OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION OF
19 THE INVESTIGATION.

20 (C) (1) UPON REASONABLE CAUSE, ANY LAW ENFORCEMENT AGENCY
21 MAY CITE A LICENSEE WITHIN THE SCOPE OF THIS ARTICLE FOR ANY
22 VIOLATION OF THIS ACT OR OF ANY LAWS OF THIS COMMONWEALTH
23 RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES, OR OF
24 ANY REGULATION ADOPTED PURSUANT TO SUCH LAWS, OF ANY VIOLATION
25 OF ANY LAWS OF THIS COMMONWEALTH OR OF THE UNITED STATES OF
26 AMERICA RELATING TO THE PAYMENT OF TAXES ON LIQUOR OR MALT OR
27 BREWED BEVERAGES BY ANY LICENSEE WITHIN THE SCOPE OF THIS ACT,
28 HIS OFFICERS, SERVANTS, AGENTS OR EMPLOYES, OR UPON ANY OTHER
29 SUFFICIENT CAUSE SHOWN. UPON REASONABLE CAUSE ANY POLICE OFFICER
30 OF ANY MUNICIPALITY MAY CITE A LICENSEE WITHIN THE SCOPE OF THIS

1 ARTICLE FOR ANY VIOLATIONS OF SECTION 493(1) INsofar AS IT
2 RELATES TO SALES TO MINORS, (10) INsofar AS IT RELATES TO LEWD,
3 IMMORAL OR IMPROPER ENTERTAINMENT, (14), (16), OR (21), OR ANY
4 VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
5 AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR
6 OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION AND RELATED
7 OFFENSES) OR 6301 (RELATING TO CORRUPTION OF MINORS) OR OF ANY
8 VIOLATIONS OF ANY LAWS OF THIS COMMONWEALTH RELATING TO THE
9 PAYMENT OF TAXES ON LIQUOR, ALCOHOL, OR MALT OR BREWED
10 BEVERAGES.

11 (2) THE CITATIONS ALLOWED BY CLAUSE (1) SHALL BE ON FORMS
12 DESIGNED AND PROVIDED BY THE DIVISION.

13 (3) ANY CITATION ISSUED BY A LAW ENFORCEMENT AGENCY PURSUANT
14 TO THIS SECTION SHALL IDENTIFY THE ALLEGED VIOLATION AND SHALL
15 INCLUDE THE DATE OF SAID VIOLATION. A COPY OF SAID CITATION
16 SHALL BE SERVED BY THE LAW ENFORCEMENT AGENCY BY DELIVERING THE
17 CITATION TO THE LICENSED PREMISES AND LEAVING IT WITH THE
18 LICENSEE OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF THE
19 LICENSEE FOUND ON THE PREMISES. IF NEITHER THE LICENSEE NOR ANY
20 OFFICER, SERVANT, AGENT OR EMPLOYE OF THE LICENSEE IS FOUND ON
21 THE PREMISES, THE CITATION MAY BE SERVED BY LEAVING A COPY
22 THEREOF AT THE LICENSED PREMISES. A COPY OF THE CITATION MAY BE
23 DELIVERED AS PROVIDED IN THIS SUBSECTION AT THE TIME THAT THE
24 VIOLATION IS OBSERVED OR DETECTED BY THE LAW ENFORCEMENT AGENCY
25 OR WITHIN THIRTY DAYS FOLLOWING THE LATER OF EITHER:

26 (I) THE OBSERVANCE OR DETECTION OF THE VIOLATION; OR
27 (II) THE COMPLETION OF THE INVESTIGATION DISCLOSING THE
28 VIOLATION.

29 (4) UPON ISSUING ANY CITATION AS HEREIN PROVIDED, THE LAW
30 ENFORCEMENT AGENCY ISSUING THE CITATION SHALL PROMPTLY PROVIDE A

1 COPY OF THE CITATION TO THE DIVISION. UPON RECEIPT OF SUCH A
2 CITATION, THE DIVISION SHALL SCHEDULE A HEARING ON THE CITATION
3 NOT LESS THAN TEN NOR MORE THAN SIXTY DAYS AFTER A COPY OF THE
4 CITATION WAS SERVED AS PROVIDED IN CLAUSE (3). ANY SUCH HEARING
5 SHALL BE BEFORE AN ADMINISTRATIVE LAW JUDGE. AT THE HEARING, THE
6 LICENSEE WILL BE REQUIRED TO SHOW CAUSE WHY THE LICENSE SHOULD
7 NOT BE SUSPENDED OR REVOKED OR A FINE IMPOSED, OR BOTH. THE
8 HEARING PROVIDED FOR BY THIS SUBSECTION SHALL BE IDENTICAL IN
9 FORM AND SUBSTANCE TO A HEARING ON A CITATION ISSUED PURSUANT TO
10 SUBSECTION (A). THE DIVISION SHALL, BY REGISTERED MAIL, NOTIFY
11 THE LICENSEE AND THE LAW ENFORCEMENT AGENCY ISSUING THE CITATION
12 OF THE DATE, TIME AND PLACE FOR THE HEARING.

13 (5) UPON PROVIDING A COPY OF THE CITATION TO THE DIVISION AS
14 PROVIDED IN CLAUSE (4), THE LAW ENFORCEMENT AGENCY SHALL, IN
15 ADDITION, SUPPLY THE DIVISION WITH THE NAMES AND ADDRESSES OF
16 ALL WITNESSES KNOWN TO THE LAW ENFORCEMENT AGENCY THAT MAY BE
17 REQUIRED TO PROSECUTE THE CITATION. THE DIVISION SHALL COMMAND
18 THE APPEARANCE AT THE SCHEDULED HEARING OF THOSE PERSONS,
19 INCLUDING MEMBERS OF THE LAW ENFORCEMENT AGENCY, NECESSARY TO
20 PROSECUTE THE CITATION.

21 (6) THE AUTHORITY GIVEN TO LAW ENFORCEMENT AGENCIES UNDER
22 THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER AUTHORITY
23 WHICH SAID AGENCIES POSSESS.

24 (D) IF THE VIOLATION IN QUESTION IS A THIRD OR SUBSEQUENT
25 VIOLATION OF THIS ACT OR [THE ACT OF JUNE 24, 1939 (P.L.872),
26 KNOWN AS "THE PENAL CODE,"] TITLE 18 OF THE PENNSYLVANIA
27 CONSOLIDATED STATUTES (RELATING TO CRIMES AND OFFENSES),
28 OCCURRING WITHIN A PERIOD OF FOUR YEARS THE [BOARD]
29 ADMINISTRATIVE LAW JUDGE SHALL IMPOSE A SUSPENSION OR
30 REVOCATION.

1 [THE JURISDICTION OF THE COUNTY COURT OF ALLEGHENY COUNTY
2 CONFERRED HEREBY SHALL BE EXCLUSIVE WITHIN THE TERRITORIAL
3 LIMITS OF ITS JURISDICTION.]

4 (E) AT ALL HEARINGS HELD TO ADJUDICATE CITATIONS ISSUED BY A
5 LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION, THE LAW
6 ENFORCEMENT AGENCY SHALL BE REPRESENTED BY THE CHIEF PROSECUTING
7 ATTORNEY OF THE DIVISION OR AN ASSISTANT PROSECUTING ATTORNEY.
8 THE ATTORNEY GENERAL SHALL APPOINT A CHIEF PROSECUTING ATTORNEY
9 AND SO MANY ASSISTANT PROSECUTING ATTORNEYS AS HE DEEMS
10 NECESSARY AND APPROPRIATE. IN ADDITION TO REPRESENTING THE LAW
11 ENFORCEMENT AGENCIES AT CITATION HEARINGS OR OTHER HEARINGS
12 BEFORE ADMINISTRATIVE LAW JUDGES, THE CHIEF PROSECUTING ATTORNEY
13 AND THE ASSISTANT PROSECUTING ATTORNEYS SHALL REPRESENT THE LAW
14 ENFORCEMENT AGENCIES DURING ALL APPEALS IN THE COURTS AND SHALL
15 RENDER ADVICE AND LEGAL ASSISTANCE TO LAW ENFORCEMENT AGENCIES
16 IN MATTERS ARISING UNDER THIS ACT.

17 SECTION 13. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

18 SECTION 477. APPLICANTS TO PROVIDE STATE TAX IDENTIFICATION
19 NUMBERS AND STATEMENT OF STATE TAX STATUS; WAIVER OF
20 CONFIDENTIALITY OF INFORMATION IN THE POSSESSION OF THE
21 DEPARTMENT OF REVENUE AND OTHER DEPARTMENTS; REVIEW OF STATE TAX
22 STATUS.--(A) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF
23 ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL PROVIDE TO THE
24 BOARD, UPON FORMS APPROVED BY THE DEPARTMENT OF REVENUE, THE
25 FOLLOWING:

26 (1) THE APPLICANT'S STATE PERSONAL INCOME TAX IDENTIFICATION
27 NUMBER;

28 (2) THE APPLICANT'S STATE SALES TAX NUMBER;

29 (3) THE APPLICANT'S STATE CORPORATION TAX NUMBER;

30 (4) THE APPLICANT'S STATE EMPLOYER WITHHOLDING TAX NUMBER;

1 (5) THE APPLICANT'S UNEMPLOYMENT COMPENSATION ACCOUNT
2 NUMBER; AND

3 (6) A STATEMENT THAT:

4 (I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL STATE
5 TAXES PAID; OR

6 (II) ALL STATE TAXES ARE SUBJECT TO A TIMELY ADMINISTRATIVE
7 OR JUDICIAL APPEAL; OR

8 (III) ALL STATE TAXES ARE SUBJECT TO A DULY APPROVED
9 DEFERRED PAYMENT PLAN.

10 (B) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF ANY
11 LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL, BY THE FILING OF
12 AN APPLICATION INsofar AS IT RELATES TO THE BOARD, WAIVE ANY
13 CONFIDENTIALITY WITH RESPECT TO STATE TAX INFORMATION REGARDING
14 SAID APPLICANT IN THE POSSESSION OF THE DEPARTMENT OF REVENUE,
15 THE OFFICE OF ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND
16 INDUSTRY, REGARDLESS OF THE SOURCE OF THAT INFORMATION AND SHALL
17 CONSENT TO THE PROVIDING OF THAT INFORMATION TO THE BOARD BY THE
18 DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY GENERAL OR THE
19 DEPARTMENT OF LABOR AND INDUSTRY.

20 (C) UPON RECEIPT OF ANY APPLICATION FOR THE GRANT, RENEWAL
21 OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, THE
22 BOARD SHALL REVIEW THE STATE TAX STATUS OF THE APPLICANT. THE
23 BOARD SHALL REQUEST STATE TAX INFORMATION REGARDING THE
24 APPLICANT FROM THE DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY
25 GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY AND SAID
26 INFORMATION SHALL BE PROVIDED.

27 (D) THE BOARD SHALL NOT APPROVE ANY APPLICATION FOR THE
28 GRANT, RENEWAL OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO
29 THIS ARTICLE WHERE THE APPLICANT HAS FAILED TO:

30 (1) PROVIDE ANY OF THE INFORMATION REQUIRED BY SUBSECTION

1 (A); OR
2 (2) FILE REQUIRED STATE TAX REPORTS; OR
3 (3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY
4 ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY
5 AUTHORIZED DEFERRED PAYMENT PLAN.
6 (E) FOR THE PURPOSE OF THIS SECTION THE TERM "APPLICANT"
7 SHALL INCLUDE THE TRANSFEROR AND TRANSFEREE OF ANY LICENSE
8 ISSUED UNDER THIS ACT.

9 SECTION 14. SECTION 491 OF THE ACT, AMENDED JULY 18, 1961
10 (P.L.789, NO.347), MAY 5, 1970 (P.L.342, NO.110), OCTOBER 11,
11 1972 (P.L.906, NO.215), OCTOBER 2, 1974 (P.L.665, NO.220),
12 OCTOBER 10, 1974 (P.L.692, NO.231), DECEMBER 12, 1980 (P.L.1195,
13 NO.221) AND FEBRUARY 9, 1984 (P.L.21, NO.8), IS AMENDED TO READ:

14 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND
15 LIQUOR LICENSEES.--

16 IT SHALL BE UNLAWFUL--

17 (1) SALES OF LIQUOR. FOR ANY PERSON, BY HIMSELF OR BY AN
18 EMPLOYE OR AGENT, TO EXPOSE OR KEEP FOR SALE, OR DIRECTLY OR
19 INDIRECTLY, OR UPON ANY PRETENSE OR UPON ANY DEVICE, TO SELL OR
20 OFFER TO SELL ANY LIQUOR WITHIN THIS COMMONWEALTH, EXCEPT IN
21 ACCORDANCE WITH THE PROVISIONS OF THIS ACT AND THE REGULATIONS
22 OF THE BOARD. THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT
23 HOSPITALS, PHYSICIANS, DENTISTS OR VETERINARIANS WHO ARE
24 LICENSED AND REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH FROM
25 ADMINISTERING LIQUOR IN THE REGULAR COURSE OF THEIR PROFESSIONAL
26 WORK AND TAKING INTO ACCOUNT THE COST OF THE LIQUOR SO
27 ADMINISTERED IN MAKING CHARGES FOR THEIR PROFESSIONAL SERVICE,
28 OR A PHARMACIST DULY LICENSED AND REGISTERED UNDER THE LAWS OF
29 THIS COMMONWEALTH FROM DISPENSING LIQUOR ON A PRESCRIPTION OF A
30 DULY LICENSED PHYSICIAN, DENTIST OR VETERINARIAN, OR SELLING

1 MEDICAL PREPARATIONS CONTAINING ALCOHOL, OR USING LIQUOR IN
2 COMPOUNDING PRESCRIPTIONS OR MEDICINES AND MAKING A CHARGE FOR
3 THE LIQUOR USED IN SUCH MEDICINES, OR A MANUFACTURING PHARMACIST
4 OR CHEMIST FROM USING LIQUOR IN MANUFACTURING PREPARATIONS UNFIT
5 FOR BEVERAGE PURPOSES AND MAKING A CHARGE FOR THE LIQUOR SO
6 USED. ALL SUCH LIQUORS SO ADMINISTERED OR SOLD BY HOSPITALS,
7 PHYSICIANS, DENTISTS, VETERINARIANS, PHARMACISTS OR CHEMISTS
8 SHALL CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE
9 NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA.
10 THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT AN EXECUTOR OR AN
11 ADMINISTRATOR OF A DECEDENT'S ESTATE FROM SELLING PRIVATELY OR
12 AT PUBLIC AUCTION LIQUOR WHICH WAS AN ASSET OF THE DECEDENT. THE
13 BOARD SHALL ESTABLISH REGULATIONS TO ENSURE THAT STATE TAXES
14 FROM THE SALES WILL BE PAID BY THE ESTATE FROM THE PROCEEDS OF
15 THE SALE. THE BOARD MAY NOT PROHIBIT A SALE OF LIQUOR FOR THE
16 REASON THAT IT WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY 1,
17 1934 OR HAS NOT BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE
18 OR IN COMPLIANCE WITH PENNSYLVANIA LAW.

19 (2) POSSESSION OR TRANSPORTATION OF LIQUOR OR ALCOHOL. FOR
20 ANY PERSON, EXCEPT A MANUFACTURER OR THE BOARD OR THE HOLDER OF
21 A SACRAMENTAL WINE LICENSE OR OF AN IMPORTER'S LICENSE, TO
22 POSSESS OR TRANSPORT ANY LIQUOR OR ALCOHOL WITHIN THIS
23 COMMONWEALTH WHICH WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY
24 FIRST, ONE THOUSAND NINE HUNDRED AND THIRTY-FOUR, OR HAS NOT
25 BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE OR A LICENSED
26 LIMITED WINERY IN PENNSYLVANIA, EXCEPT MINIATURES TOTALLING LESS
27 THAN ONE GALLON PURCHASED BY A COLLECTOR OF THE SAME IN ANOTHER
28 STATE OR FOREIGN COUNTRY, OR IN ACCORDANCE WITH THE BOARD'S
29 REGULATIONS. THE BURDEN SHALL BE UPON THE PERSON POSSESSING OR
30 TRANSPORTING SUCH LIQUOR OR ALCOHOL TO PROVE THAT IT WAS SO

1 ACQUIRED. BUT NOTHING HEREIN CONTAINED SHALL PROHIBIT THE
2 MANUFACTURE OR POSSESSION OF WINE BY ANY PERSON IN HIS HOME FOR
3 CONSUMPTION OF HIMSELF, HIS FAMILY AND GUESTS AND NOT FOR SALE,
4 NOT EXCEEDING, DURING ANY ONE CALENDAR YEAR, TWO HUNDRED
5 GALLONS, ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING. SUCH
6 WINE SHALL NOT BE MANUFACTURED, POSSESSED, OFFERED FOR SALE OR
7 SOLD ON ANY LICENSED PREMISES.

8 NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR
9 SHALL IT BE UNLAWFUL FOR ANY PERSON TO IMPORT INTO PENNSYLVANIA,
10 TRANSPORT OR HAVE IN HIS POSSESSION, AN AMOUNT OF LIQUOR NOT
11 EXCEEDING ONE GALLON IN VOLUME UPON WHICH A STATE TAX HAS NOT
12 BEEN PAID, IF IT CAN BE SHOWN TO THE SATISFACTION OF THE BOARD
13 THAT SUCH PERSON PURCHASED THE LIQUOR IN A FOREIGN COUNTRY OR
14 UNITED STATES TERRITORY AND WAS ALLOWED TO BRING IT INTO THE
15 UNITED STATES. NEITHER SHALL THE PROVISIONS CONTAINED HEREIN
16 PROHIBIT NOR MAKE IT UNLAWFUL FOR (I) ANY MEMBER OF THE ARMED
17 FORCES ON ACTIVE DUTY, OR (II) ANY RETIRED MEMBER OF THE ARMED
18 FORCES, OR (III) ANY TOTALLY DISABLED VETERAN, OR (IV) THE
19 SPOUSE OF ANY PERSON INCLUDED IN THE FOREGOING CLASSES OF
20 PERSONS TO IMPORT INTO PENNSYLVANIA, TRANSPORT OR HAVE IN HIS
21 POSSESSION AN AMOUNT OF LIQUOR NOT EXCEEDING ONE GALLON PER
22 MONTH IN VOLUME UPON WHICH THE STATE TAX HAS NOT BEEN PAID, SO
23 LONG AS SUCH LIQUOR HAS BEEN LAWFULLY PURCHASED FROM A PACKAGE
24 STORE ESTABLISHED AND MAINTAINED UNDER THE AUTHORITY OF THE
25 UNITED STATES AND IS IN CONTAINERS IDENTIFIED IN ACCORDANCE WITH
26 REGULATIONS ISSUED BY THE DEPARTMENT OF DEFENSE. SUCH LIQUOR
27 SHALL NOT BE POSSESSED, OFFERED FOR SALE OR SOLD ON ANY LICENSED
28 PREMISES.

29 NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR
30 SHALL IT BE UNLAWFUL FOR ANY CONSUL GENERAL, CONSUL OR OTHER

1 DIPLOMATIC OFFICER OF A FOREIGN GOVERNMENT TO IMPORT INTO
2 PENNSYLVANIA, TRANSPORT OR HAVE IN HIS POSSESSION LIQUOR UPON
3 WHICH A STATE TAX HAS NOT BEEN PAID, IF IT CAN BE SHOWN TO THE
4 SATISFACTION OF THE BOARD THAT SUCH PERSON ACQUIRED THE LIQUOR
5 IN A FOREIGN COUNTRY AND WAS ALLOWED TO BRING IT INTO THE UNITED
6 STATES. SUCH LIQUOR SHALL NOT BE POSSESSED, OFFERED FOR SALE OR
7 SOLD ON ANY LICENSED PREMISES.

8 ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE FOR A
9 FIRST OFFENSE INVOLVING THE POSSESSION OR TRANSPORTATION IN
10 PENNSYLVANIA OF ANY LIQUOR IN A PACKAGE (BOTTLE OR OTHER
11 RECEPTACLE) OR WINE NOT PURCHASED FROM A PENNSYLVANIA LIQUOR
12 STORE OR FROM A LICENSED LIMITED WINERY IN PENNSYLVANIA, WITH
13 RESPECT TO WHICH SATISFACTORY PROOF IS PRODUCED THAT THE
14 REQUIRED FEDERAL TAX HAS BEEN PAID AND WHICH WAS PURCHASED,
15 PROCURED OR ACQUIRED LEGALLY OUTSIDE OF PENNSYLVANIA SHALL UPON
16 CONVICTION THEREOF IN A SUMMARY PROCEEDING BE SENTENCED TO PAY A
17 FINE OF TWENTY-FIVE DOLLARS (\$25) FOR EACH SUCH PACKAGE, PLUS
18 COSTS OF PROSECUTION, OR UNDERGO IMPRISONMENT FOR A TERM NOT
19 EXCEEDING NINETY (90) DAYS. EACH FULL QUART OR MAJOR FRACTION
20 THEREOF SHALL BE CONSIDERED A SEPARATE PACKAGE (BOTTLE OR OTHER
21 RECEPTACLE) FOR THE PURPOSES OF THIS CLAUSE. SUCH PACKAGES OF
22 LIQUOR SHALL BE FORFEITED TO THE COMMONWEALTH IN THE MANNER
23 PRESCRIBED IN ARTICLE VI OF THIS ACT BUT THE VEHICLE, BOAT,
24 VESSEL, ANIMAL OR AIRCRAFT USED IN THE ILLEGAL TRANSPORTATION OF
25 SUCH PACKAGES SHALL NOT BE SUBJECT TO FORFEITURE: PROVIDED,
26 HOWEVER, THAT IF IT IS A SECOND OR SUBSEQUENT OFFENSE OR IF IT
27 IS ESTABLISHED THAT THE ILLEGAL POSSESSION OR TRANSPORTATION WAS
28 IN CONNECTION WITH A COMMERCIAL TRANSACTION, THEN THE OTHER
29 PROVISIONS OF THIS ACT PROVIDING FOR PROSECUTION AS A
30 MISDEMEANOR AND FOR THE FORFEITURE OF THE VEHICLE, BOAT, VESSEL,

1 ANIMAL OR AIRCRAFT SHALL APPLY.

2 (3) PURCHASE OF LIQUOR OR ALCOHOL. FOR ANY PERSON WITHIN
3 THIS COMMONWEALTH, BY HIMSELF OR BY AN EMPLOYE OR AGENT, TO
4 ATTEMPT TO PURCHASE, OR DIRECTLY OR INDIRECTLY, OR UPON ANY
5 PRETENSE OR DEVICE WHATSOEVER, TO PURCHASE ANY LIQUOR OR ALCOHOL
6 FROM ANY PERSON OR SOURCE OTHER THAN A PENNSYLVANIA LIQUOR
7 STORE, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT OR
8 THE REGULATIONS OF THE BOARD.

9 (4) POSSESSION AND USE OF DECANTERS. FOR ANY PERSON TO USE
10 DECANTERS OF ALCOHOLIC BEVERAGES EXCEPT THAT THE USE OF
11 DECANTERS OR OTHER SIMILAR RECEPTACLES BY LICENSEES SHALL BE
12 PERMITTED IN THE CASE OF WINES AND THEN ONLY IN ACCORDANCE WITH
13 THE REGULATIONS OF THE BOARD, BUT NOTHING HEREIN CONTAINED SHALL
14 PROHIBIT THE MANUFACTURE AND POSSESSION OF WINE AS PROVIDED IN
15 CLAUSE (2) OF THIS SECTION.

16 (5) FAILURE TO BREAK EMPTY LIQUOR CONTAINERS. FOR ANY
17 RESTAURANT, HOTEL OR CLUB LICENSEE, HIS SERVANTS, AGENTS OR
18 EMPLOYES, TO FAIL TO BREAK ANY PACKAGE IN WHICH LIQUORS WERE
19 CONTAINED, EXCEPT THOSE DECANTER PACKAGES THAT THE BOARD
20 DETERMINES TO BE DECORATIVE, WITHIN TWENTY-FOUR HOURS AFTER THE
21 ORIGINAL CONTENTS WERE REMOVED THEREFROM.

22 (6) SALES BY RESTAURANT AND HOTEL LIQUOR LICENSEES. FOR ANY
23 RESTAURANT OR HOTEL LICENSEE, HIS SERVANTS, AGENTS OR EMPLOYES,
24 TO SELL ANY LIQUOR OR MALT OR BREWED BEVERAGES FOR CONSUMPTION
25 ON THE LICENSED PREMISES EXCEPT IN A ROOM OR ROOMS OR PLACE ON
26 THE LICENSED PREMISES AT ALL TIMES ACCESSIBLE TO THE USE AND
27 ACCOMMODATION OF THE GENERAL PUBLIC, BUT THIS SECTION SHALL NOT
28 BE INTERPRETED TO PROHIBIT A HOTEL LICENSEE, OR A RESTAURANT
29 LICENSEE WHEN THE RESTAURANT IS LOCATED IN A HOTEL, FROM SELLING
30 LIQUOR OR MALT OR BREWED BEVERAGES IN ANY ROOM OF SUCH HOTEL

1 OCCUPIED BY A BONA FIDE GUEST OR TO PROHIBIT A RESTAURANT
2 LICENSEE FROM SELLING LIQUOR OR MALT OR BREWED BEVERAGES IN A
3 BOWLING ALLEY WHEN NO MINORS ARE PRESENT WHERE THE RESTAURANT
4 AND BOWLING ALLEY ARE IMMEDIATELY ADJACENT AND UNDER THE SAME
5 ROOF.

6 (7) SALES OF LIQUOR BY MANUFACTURERS AND LICENSED IMPORTERS.
7 FOR ANY MANUFACTURER OR LICENSED IMPORTER OF LIQUOR IN THIS
8 COMMONWEALTH, HIS AGENTS, SERVANTS OR EMPLOYES, TO SELL OR OFFER
9 TO SELL ANY LIQUOR IN THIS COMMONWEALTH EXCEPT TO THE BOARD FOR
10 USE IN PENNSYLVANIA LIQUOR STORES, AND IN THE CASE OF A
11 MANUFACTURER, TO THE HOLDER OF A SACRAMENTAL WINE LICENSE OR AN
12 IMPORTER'S LICENSE, BUT A MANUFACTURER OR LICENSED IMPORTER MAY
13 SELL OR OFFER TO SELL LIQUOR TO PERSONS OUTSIDE OF THIS
14 COMMONWEALTH.

15 (8) IMPORTATION AND SALES OF ALCOHOL. FOR ANY PERSON, TO
16 IMPORT ALCOHOL INTO THIS COMMONWEALTH, OR TO SELL ALCOHOL TO ANY
17 PERSON, EXCEPT IN ACCORDANCE WITH THE REGULATIONS OF THE BOARD.

18 (9) POSSESSION OF ALCOHOL. FOR ANY PERSON, TO HAVE ALCOHOL
19 IN HIS POSSESSION, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF
20 THIS ACT AND THE REGULATIONS OF THE BOARD.

21 (10) FORTIFYING, ADULTERATING OR CONTAMINATING LIQUOR. FOR
22 ANY LICENSEE OR ANY EMPLOYEE OR AGENT OF A LICENSEE OR OF THE
23 BOARD, TO FORTIFY, ADULTERATE OR CONTAMINATE ANY LIQUOR, EXCEPT
24 AS PERMITTED BY THE REGULATIONS OF THE BOARD, OR TO REFILL
25 WHOLLY OR IN PART, WITH ANY LIQUID OR SUBSTANCE WHATSOEVER, ANY
26 LIQUOR BOTTLE OR OTHER LIQUOR CONTAINER.

27 (11) IMPORTATION OF LIQUOR. FOR ANY PERSON, OTHER THAN THE
28 BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE OR OF AN
29 IMPORTER'S LICENSE, TO IMPORT ANY LIQUOR WHATSOEVER INTO THIS
30 COMMONWEALTH, BUT THIS SECTION SHALL NOT BE CONSTRUCTED TO

1 PROHIBIT RAILROAD AND PULLMAN COMPANIES FROM SELLING LIQUORS
2 PURCHASED OUTSIDE THE COMMONWEALTH IN THEIR DINING, CLUB AND
3 BUFFET CARS WHICH ARE COVERED BY PUBLIC SERVICE LIQUOR LICENSES
4 AND WHICH ARE OPERATED IN THIS COMMONWEALTH.

5 (12) DELIVERY OF LIQUOR BY CERTAIN LICENSEES. FOR A LIQUOR
6 LICENSEE PERMITTED TO DELIVER LIQUOR, TO MAKE ANY DELIVERIES
7 EXCEPT IN HIS OWN VEHICLES BEARING HIS NAME, ADDRESS AND LICENSE
8 NUMBER ON EACH SIDE IN LETTERS NOT SMALLER THAN FOUR INCHES IN
9 HEIGHT, OR IN THE VEHICLE OF ANOTHER PERSON DULY AUTHORIZED TO
10 TRANSPORT LIQUOR WITHIN THIS COMMONWEALTH.

11 (13) VIOLATION OF CERTAIN RULES AND REGULATIONS OF BOARD.
12 FOR ANY PERSON, TO VIOLATE ANY RULES AND REGULATIONS ADOPTED BY
13 THE BOARD TO INSURE THE EQUITABLE WHOLESALE AND RETAIL SALE AND
14 DISTRIBUTION OF LIQUOR AND ALCOHOL THROUGH THE PENNSYLVANIA
15 LIQUOR STORES.

16 (14) OFFERING COMMISSION OR GIFT TO MEMBERS OF BOARD [OR
17 STATE EMPLOYE], THE ATTORNEY GENERAL OR CERTAIN EMPLOYEES. FOR
18 ANY PERSON SELLING OR OFFERING TO SELL LIQUOR OR ALCOHOL TO, OR
19 PURCHASING AT WHOLESALE LIQUOR OR ALCOHOL FROM, THE BOARD,
20 EITHER DIRECTLY OR INDIRECTLY, TO PAY OR OFFER TO PAY ANY
21 COMMISSION, PROFIT OR REMUNERATION, OR TO MAKE OR OFFER TO MAKE
22 ANY GIFT TO ANY MEMBER OR EMPLOYE OF THE BOARD [OR OTHER EMPLOYE
23 OF THE COMMONWEALTH OR TO ANYONE ON BEHALF OF SUCH MEMBER OR
24 EMPLOYE], THE ATTORNEY GENERAL, ANY EMPLOYE THEREOF OR ANY
25 EMPLOYE OF A LAW ENFORCEMENT AGENCY OR ANYONE ON BEHALF OF SUCH
26 PERSONS.

27 SECTION 15. SECTION 493 OF THE ACT, AMENDED JUNE 14, 1957
28 (P.L.322, NO.170), JUNE 15, 1961 (P.L.423, NO.211), SEPTEMBER
29 25, 1967 (P.L.307, NO.135), MARCH 5, 1970 (P.L.137, NO.55),
30 AUGUST 1, 1975 (P.L.161, NO.83), JUNE 15, 1977 (P.L.12, NO.9),

1 MARCH 9, 1982 (P.L.174, NO.55) AND MAY 9, 1984 (P.L.246, NO.54),
2 IS AMENDED TO READ:

3 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
4 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
5 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
6 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
7 OTHERWISE.

8 IT SHALL BE UNLAWFUL--

9 (1) FURNISHING LIQUOR OR MALT OR BREWED BEVERAGES TO CERTAIN
10 PERSONS. FOR ANY LICENSEE OR THE BOARD, OR ANY EMPLOYE, SERVANT
11 OR AGENT OF SUCH LICENSEE OR OF THE BOARD, OR ANY OTHER PERSON,
12 TO SELL, FURNISH OR GIVE ANY LIQUOR OR MALT OR BREWED BEVERAGES,
13 OR TO PERMIT ANY LIQUOR OR MALT OR BREWED BEVERAGES TO BE SOLD,
14 FURNISHED OR GIVEN, TO ANY PERSON VISIBLY INTOXICATED, OR TO ANY
15 INSANE PERSON, OR TO ANY MINOR, OR TO HABITUAL DRUNKARDS, OR
16 PERSONS OF KNOWN INTEMPERATE HABITS.

17 (2) PURCHASE OR SALE OF LIQUOR OR MALT OR BREWED BEVERAGES
18 ON CREDIT. FOR ANY LICENSEE, HIS AGENT, SERVANT OR EMPLOYE, TO
19 SELL OR OFFER TO SELL OR PURCHASE OR RECEIVE ANY LIQUOR OR MALT
20 OR BREWED BEVERAGES EXCEPT FOR CASH, EXCEPTING CREDIT EXTENDED
21 BY A HOTEL OR CLUB TO A BONA FIDE GUEST OR MEMBER, OR BY
22 RAILROAD OR PULLMAN COMPANIES IN DINING, CLUB OR BUFFET CARS TO
23 PASSENGERS, FOR CONSUMPTION WHILE ENROUTE, HOLDING AUTHORIZED
24 CREDIT CARDS ISSUED BY RAILROAD OR RAILROAD CREDIT BUREAUS OR BY
25 HOTEL, RESTAURANT AND PUBLIC SERVICE LICENSEES TO CUSTOMERS
26 HOLDING CREDIT CARDS ISSUED IN ACCORDANCE WITH REGULATIONS OF
27 THE BOARD OR CREDIT CARDS ISSUED BY BANKING INSTITUTIONS SUBJECT
28 TO STATE OR FEDERAL REGULATION: PROVIDED FURTHER, THAT NOTHING
29 HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT THE USE OF
30 CHECKS OR DRAFTS DRAWN ON A BANK, BANKING INSTITUTION, TRUST

1 COMPANY OR SIMILAR DEPOSITORY, ORGANIZED AND EXISTING UNDER THE
2 LAWS OF THE UNITED STATES OF AMERICA OR THE LAWS OF ANY STATE,
3 TERRITORY OR POSSESSION THEREOF, IN PAYMENT FOR ANY LIQUOR OR
4 MALT OR BREWED BEVERAGES IF THE PURCHASER IS THE PAYOR OF THE
5 CHECK OR DRAFT AND THE LICENSEE IS THE PAYEE. NO RIGHT OF ACTION
6 SHALL EXIST TO COLLECT ANY CLAIM FOR CREDIT EXTENDED CONTRARY TO
7 THE PROVISIONS OF THIS CLAUSE. NOTHING HEREIN CONTAINED SHALL
8 PROHIBIT A LICENSEE FROM CREDITING TO A PURCHASER THE ACTUAL
9 PRICE CHARGED FOR ORIGINAL CONTAINERS RETURNED BY THE ORIGINAL
10 PURCHASER AS A CREDIT ON ANY SALE, OR FROM REFUNDING TO ANY
11 PURCHASER THE AMOUNT PAID BY SUCH PURCHASER FOR SUCH CONTAINERS
12 OR AS A DEPOSIT ON CONTAINERS WHEN TITLE IS RETAINED BY THE
13 VENDOR, IF SUCH ORIGINAL CONTAINERS HAVE BEEN RETURNED TO THE
14 LICENSEE. NOTHING HEREIN CONTAINED SHALL PROHIBIT A MANUFACTURER
15 FROM EXTENDING USUAL AND CUSTOMARY CREDIT FOR LIQUOR OR MALT OR
16 BREWED BEVERAGES SOLD TO CUSTOMERS OR PURCHASERS WHO LIVE OR
17 MAINTAIN PLACES OF BUSINESS OUTSIDE OF THE COMMONWEALTH OF
18 PENNSYLVANIA, WHEN THE LIQUOR OR MALT OR BREWED BEVERAGES SO
19 SOLD ARE ACTUALLY TRANSPORTED AND DELIVERED TO POINTS OUTSIDE OF
20 THE COMMONWEALTH: PROVIDED, HOWEVER, THAT AS TO ALL TRANSACTIONS
21 AFFECTING MALT OR BREWED BEVERAGES TO BE RESOLD OR CONSUMED
22 WITHIN THIS COMMONWEALTH, EVERY LICENSEE SHALL PAY AND SHALL
23 REQUIRE CASH DEPOSITS ON ALL RETURNABLE ORIGINAL CONTAINERS AND
24 ALL SUCH CASH DEPOSITS SHALL BE REFUNDED UPON RETURN OF THE
25 ORIGINAL CONTAINERS.

26 (3) EXCHANGE OF LIQUOR OR MALT OR BREWED BEVERAGES FOR
27 MERCHANDISE, ETC. FOR ANY LICENSEE OR THE BOARD, OR ANY EMPLOYE,
28 SERVANT OR AGENT OF A LICENSEE OR OF THE BOARD, TO SELL, OFFER
29 TO SELL OR FURNISH ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY
30 PERSON ON A PASS BOOK OR STORE ORDER, OR TO RECEIVE FROM ANY

1 PERSON ANY GOODS, WARES, MERCHANDISE OR OTHER ARTICLES IN
2 EXCHANGE FOR LIQUOR OR MALT OR BREWED BEVERAGES.

3 (4) PEDDLING LIQUOR OR MALT OR BREWED BEVERAGES. FOR ANY
4 PERSON, TO HAWK OR PEDDLE ANY LIQUOR OR MALT OR BREWED BEVERAGES
5 IN THIS COMMONWEALTH.

6 (5) FAILURE TO HAVE BRANDS AS ADVERTISED. FOR ANY LICENSEE,
7 HIS SERVANTS, AGENTS OR EMPLOYES, TO ADVERTISE OR HOLD OUT FOR
8 SALE ANY LIQUOR OR MALT OR BREWED BEVERAGES BY TRADE NAME OR
9 OTHER DESIGNATION WHICH WOULD INDICATE THE MANUFACTURER OR PLACE
10 OF PRODUCTION OF THE SAID LIQUOR OR MALT OR BREWED BEVERAGES,
11 UNLESS HE SHALL ACTUALLY HAVE ON HAND AND FOR SALE A SUFFICIENT
12 QUANTITY OF THE PARTICULAR LIQUOR OR MALT OR BREWED BEVERAGES SO
13 ADVERTISED TO MEET REQUIREMENTS TO BE NORMALLY EXPECTED AS A
14 RESULT OF SUCH ADVERTISEMENT OR OFFER.

15 (6) BRAND OR TRADE NAME ON SPIGOT. FOR ANY LICENSEE, HIS
16 AGENTS, SERVANTS OR EMPLOYES, TO FURNISH OR SERVE ANY MALT OR
17 BREWED BEVERAGES FROM ANY FAUCET, SPIGOT OR OTHER DISPENSING
18 APPARATUS, UNLESS THE TRADE NAME OR BRAND OF THE PRODUCT SERVED
19 SHALL APPEAR IN FULL SIGHT OF THE CUSTOMER AND IN LEGIBLE
20 LETTERING UPON SUCH FAUCET, SPIGOT OR DISPENSING APPARATUS.

21 (7) ALCOHOLIC STRENGTH ON LABEL OF MALT OR BREWED BEVERAGES.
22 FOR ANY LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO
23 TRANSPORT, SELL, DELIVER OR PURCHASE ANY MALT OR BREWED
24 BEVERAGES UPON WHICH THERE SHALL APPEAR A LABEL OR OTHER
25 INFORMATIVE DATA WHICH IN ANY MANNER REFERS TO THE ALCOHOLIC
26 CONTENTS OF THE MALT OR BREWED BEVERAGE, OR WHICH REFERS IN ANY
27 MANNER TO THE ORIGINAL ALCOHOLIC STRENGTH, EXTRACT OR BALLING
28 PROOF FROM WHICH SUCH MALT OR BREWED BEVERAGE WAS PRODUCED. THIS
29 CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT A MANUFACTURER FROM
30 DESIGNATING UPON THE LABEL OR DESCRIPTIVE DATA THE ALCOHOLIC

1 CONTENT OF MALT OR BREWED BEVERAGES INTENDED FOR SHIPMENT INTO
2 ANOTHER STATE OR TERRITORY, WHEN THE LAWS OF SUCH STATE OR
3 TERRITORY REQUIRE THAT THE ALCOHOLIC CONTENT OF THE MALT OR
4 BREWED BEVERAGE MUST BE STATED UPON THE PACKAGE.

5 (8) ADVERTISEMENTS ON LABELS GIVING ALCOHOLIC CONTENT OF
6 MALT OR BREWED BEVERAGES. FOR ANY MANUFACTURER OR OTHER
7 LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO ISSUE, PUBLISH
8 OR POST, OR CAUSE TO BE ISSUED, PUBLISHED OR POSTED, ANY
9 ADVERTISEMENT OF ANY MALT OR BREWED BEVERAGE INCLUDING A LABEL
10 WHICH SHALL REFER IN ANY MANNER TO THE ALCOHOLIC STRENGTH OF THE
11 MALT OR BREWED BEVERAGE MANUFACTURED, SOLD OR DISTRIBUTED BY
12 SUCH LICENSEES, OR TO USE IN ANY ADVERTISEMENT OR LABEL SUCH
13 WORDS AS "FULL STRENGTH," "EXTRA STRENGTH," "HIGH TEST," "HIGH
14 PROOF," "PRE-WAR STRENGTH," OR SIMILAR WORDS OR PHRASES, WHICH
15 WOULD LEAD OR INDUCE A CONSUMER TO PURCHASE A BRAND OF MALT OR
16 BREWED BEVERAGE ON THE BASIS OF ITS ALCOHOLIC CONTENT, OR TO USE
17 IN OR ON ANY ADVERTISEMENT OR LABEL ANY NUMERAL, UNLESS
18 ADEQUATELY EXPLAINED IN TYPE OF THE SAME SIZE, PROMINENCE AND
19 COLOR, OR FOR ANY LICENSEE TO PURCHASE, TRANSPORT, SELL OR
20 DISTRIBUTE ANY MALT OR BREWED BEVERAGE ADVERTISED OR LABELED
21 CONTRARY TO THE PROVISIONS OF THIS CLAUSE.

22 (9) RETAIL LICENSEES FURNISHING FREE LUNCH, ETC. FOR ANY
23 RETAIL LIQUOR LICENSEE OR ANY RETAIL DISPENSER, HIS AGENTS,
24 SERVANTS OR EMPLOYES, TO FURNISH, GIVE OR SELL BELOW A FAIR COST
25 ANY LUNCH TO ANY CONSUMER, EXCEPT SUCH ARTICLES OF FOOD AS THE
26 BOARD MAY AUTHORIZE AND APPROVE.

27 (10) ENTERTAINMENT ON LICENSED PREMISES (EXCEPT CLUBS);
28 PERMITS; FEES. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR
29 EMPLOYES, EXCEPT CLUB LICENSEES, TO PERMIT IN ANY LICENSED
30 PREMISES OR IN ANY PLACE OPERATED IN CONNECTION THEREWITH,

1 DANCING, THEATRICALS OR FLOOR SHOWS OF ANY SORT, OR MOVING
2 PICTURES OTHER THAN TELEVISION, OR SUCH AS ARE EXHIBITED THROUGH
3 MACHINES OPERATED BY PATRONS BY THE DEPOSIT OF COINS, WHICH
4 PROJECT PICTURES ON A SCREEN NOT EXCEEDING IN SIZE TWENTY-FOUR
5 BY THIRTY INCHES AND WHICH FORMS PART OF THE MACHINE, UNLESS THE
6 LICENSEE SHALL FIRST HAVE OBTAINED FROM THE BOARD A SPECIAL
7 PERMIT TO PROVIDE SUCH ENTERTAINMENT, OR FOR ANY LICENSEE, UNDER
8 ANY CIRCUMSTANCES, TO PERMIT IN ANY LICENSED PREMISES ANY LEWD,
9 IMMORAL OR IMPROPER ENTERTAINMENT, REGARDLESS OF WHETHER A
10 PERMIT TO PROVIDE ENTERTAINMENT HAS BEEN OBTAINED OR NOT. THE
11 BOARD SHALL HAVE POWER TO PROVIDE FOR THE ISSUE OF SUCH SPECIAL
12 PERMITS, AND TO COLLECT A FEE FOR SUCH PERMITS EQUAL TO ONE-
13 FIFTH OF THE ANNUAL LICENSE FEE [BUT NOT LESS THAN TWENTY-FIVE
14 DOLLARS (\$25)]. ALL SUCH FEES SHALL BE PAID INTO THE STATE
15 STORES FUND. NO SUCH PERMIT SHALL BE ISSUED IN ANY MUNICIPALITY
16 WHICH, BY ORDINANCE, PROHIBITS AMUSEMENTS IN LICENSED PLACES.
17 ANY VIOLATION OF THIS CLAUSE SHALL, IN ADDITION TO THE PENALTY
18 HEREIN PROVIDED, SUBJECT THE LICENSEE TO SUSPENSION OR
19 REVOCATION OF HIS PERMIT AND HIS LICENSE.

20 (11) LICENSEES EMPLOYED BY OTHERS. FOR ANY HOTEL, RESTAURANT
21 OR CLUB LIQUOR LICENSEE, OR ANY MALT OR BREWED BEVERAGE
22 LICENSEE, OR ANY SERVANT, AGENT OR EMPLOYEE OF SUCH LICENSEE, TO
23 BE AT THE SAME TIME EMPLOYED, DIRECTLY OR INDIRECTLY, BY ANY
24 OTHER PERSON ENGAGED IN THE MANUFACTURE, SALE, TRANSPORTATION OR
25 STORAGE OF LIQUOR, MALT OR BREWED BEVERAGES OR ALCOHOL:
26 PROVIDED, THAT ANY PERSON (EXCEPT A LICENSEE OR THE MANAGER,
27 OFFICER OR DIRECTOR OF A LICENSEE) WHO IS EMPLOYED BY A RETAIL
28 LICENSEE TO PREPARE OR SERVE FOOD AND BEVERAGES MAY BE EMPLOYED
29 IN THE SAME CAPACITY BY ANOTHER RETAIL LICENSEE DURING OTHER
30 HOURS OR ON OTHER DAYS.

1 (12) FAILURE TO HAVE RECORDS ON PREMISES. FOR ANY LIQUOR
2 LICENSEE, OR ANY IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL
3 DISPENSER, TO FAIL TO KEEP ON THE LICENSED PREMISES FOR A PERIOD
4 OF AT LEAST TWO YEARS COMPLETE AND TRUTHFUL RECORDS COVERING THE
5 OPERATION OF HIS LICENSED BUSINESS, PARTICULARLY SHOWING THE
6 DATE OF ALL PURCHASES OF LIQUOR AND MALT OR BREWED BEVERAGES,
7 THE ACTUAL PRICE PAID THEREFOR, AND THE NAME OF THE VENDOR,
8 INCLUDING STATE STORE RECEIPTS, OR FOR ANY LICENSEE, HIS
9 SERVANTS, AGENTS OR EMPLOYES, TO REFUSE THE BOARD OR THE
10 DIVISION OR AN AUTHORIZED EMPLOYE OR AGENT OF THE BOARD OR THE
11 DIVISION ACCESS THERETO OR THE OPPORTUNITY TO MAKE COPIES OF THE
12 SAME WHEN THE REQUEST IS MADE DURING BUSINESS HOURS.

13 (13) RETAIL LICENSEES EMPLOYING MINORS. FOR ANY HOTEL,
14 RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY RETAIL DISPENSER, TO
15 EMPLOY OR TO PERMIT ANY MINOR UNDER THE AGE OF EIGHTEEN TO SERVE
16 ANY ALCOHOLIC BEVERAGES OR TO EMPLOY OR PERMIT ANY MINOR UNDER
17 THE AGE OF SIXTEEN TO RENDER ANY SERVICE WHATEVER IN OR ABOUT
18 THE LICENSED PREMISES, NOR SHALL ANY ENTERTAINER UNDER THE AGE
19 OF EIGHTEEN BE EMPLOYED OR PERMITTED TO PERFORM IN ANY LICENSED
20 PREMISES IN VIOLATION OF THE LABOR LAWS OF THIS COMMONWEALTH:
21 PROVIDED, THAT IN ACCORDANCE WITH BOARD REGULATIONS MINORS
22 BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN MAY BE EMPLOYED TO
23 SERVE FOOD, CLEAR TABLES AND PERFORM OTHER SIMILAR DUTIES, NOT
24 TO INCLUDE THE DISPENSING OR SERVING OF ALCOHOLIC BEVERAGES.

25 (14) PERMITTING UNDESIRABLE PERSONS OR MINORS TO FREQUENT
26 PREMISES. FOR ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE, OR
27 ANY RETAIL DISPENSER, HIS SERVANTS, AGENTS OR EMPLOYES, TO
28 PERMIT PERSONS OF ILL REPUTE, KNOWN CRIMINALS, PROSTITUTES OR
29 MINORS TO FREQUENT HIS LICENSED PREMISES OR ANY PREMISES
30 OPERATED IN CONNECTION THEREWITH, EXCEPT MINORS ACCOMPANIED BY

1 PARENTS, GUARDIANS, OR UNDER PROPER SUPERVISION OR EXCEPT MINORS
2 WHO FREQUENT ANY RESTAURANT OR RETAIL DISPENSING LICENSEE WHOSE
3 SALES OF FOOD AND NON-ALCOHOLIC BEVERAGES ARE EQUAL TO SEVENTY
4 PER CENTUM OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD AND
5 ALCOHOLIC BEVERAGES ON THE CONDITION THAT ALCOHOLIC BEVERAGES
6 MAY NOT BE SERVED AT THE TABLE OR BOOTH AT WHICH THE SAID MINOR
7 IS SEATED AT THE TIME (UNLESS SAID MINOR IS UNDER PROPER
8 SUPERVISION AS HEREINAFTER DEFINED) AND ON THE FURTHER CONDITION
9 THAT ONLY TABLE SERVICE OF ALCOHOLIC BEVERAGES OR TAKE-OUT
10 SERVICE OF BEER SHALL BE PERMITTED IN THE ROOM WHEREIN THE MINOR
11 IS LOCATED: PROVIDED, HOWEVER, THAT IT SHALL NOT BE UNLAWFUL FOR
12 ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE OR ANY RETAIL
13 DISPENSER TO PERMIT MINORS UNDER PROPER SUPERVISION UPON THE
14 LICENSED PREMISES OR ANY PREMISES OPERATED IN CONNECTION
15 THEREWITH FOR THE PURPOSE OF A SOCIAL GATHERING, EVEN IF SUCH
16 GATHERING IS EXCLUSIVELY FOR MINORS: AND PROVIDED FURTHER, THAT
17 NO LIQUOR SHALL BE SOLD, FURNISHED OR GIVEN TO SUCH MINORS NOR
18 SHALL THE LICENSEE KNOWINGLY PERMIT ANY LIQUOR OR MALT OR BREWED
19 BEVERAGES TO BE SOLD, FURNISHED OR GIVEN TO OR BE CONSUMED BY
20 ANY MINOR, AND THE AREA OF SUCH GATHERING SHALL BE SEGREGATED
21 FROM THE REMAINDER OF THE LICENSED PREMISES. IN THE EVENT THE
22 AREA OF SUCH GATHERING CANNOT BE SEGREGATED FROM THE REMAINDER
23 OF THE LICENSED PREMISES, ALL ALCOHOLIC BEVERAGES MUST BE EITHER
24 REMOVED FROM THE LICENSED PREMISES OR PLACED UNDER LOCK AND KEY
25 DURING THE TIME THE GATHERING IS TAKING PLACE. NOTICE OF SUCH
26 GATHERING SHALL BE GIVEN THE [LIQUOR CONTROL BOARD] BOARD AS IT
27 MAY, BY REGULATION, REQUIRE. ANY LICENSEE VIOLATING THE
28 PROVISIONS OF THIS CLAUSE SHALL BE SUBJECT TO THE PROVISIONS OF
29 SECTION 471.

30 "PROPER SUPERVISION," AS USED IN THIS CLAUSE, MEANS THE

1 PRESENCE, ON THAT PORTION OF THE LICENSED PREMISES WHERE A MINOR
2 OR MINORS ARE PRESENT, OF ONE PERSON TWENTY-FIVE YEARS OF AGE OR
3 OLDER FOR EVERY FIFTY MINORS OR PART THEREOF WHO IS DIRECTLY
4 RESPONSIBLE FOR THE CARE AND CONDUCT OF SUCH MINOR OR MINORS
5 WHILE ON THE LICENSED PREMISES AND IN SUCH PROXIMITY THAT THE
6 MINOR OR MINORS ARE CONSTANTLY WITHIN HIS SIGHT OR HEARING. THE
7 PRESENCE OF THE LICENSEE OR ANY EMPLOYE OR SECURITY OFFICER OF
8 THE LICENSEE SHALL NOT CONSTITUTE PROPER SUPERVISION.

9 (15) CASHING PAY ROLL, PUBLIC ASSISTANCE, UNEMPLOYMENT
10 COMPENSATION OR ANY OTHER RELIEF CHECKS. FOR ANY LICENSEE OR HIS
11 SERVANTS, AGENTS OR EMPLOYES TO CASH PAY ROLL CHECKS OR TO CASH,
12 RECEIVE, HANDLE OR NEGOTIATE IN ANY WAY PUBLIC ASSISTANCE,
13 UNEMPLOYMENT COMPENSATION OR ANY OTHER RELIEF CHECKS.

14 (16) FURNISHING OR DELIVERING LIQUOR OR MALT OR BREWED
15 BEVERAGES AT UNLAWFUL HOURS. FOR ANY LICENSEE, HIS SERVANTS,
16 AGENTS OR EMPLOYES, TO GIVE, FURNISH, TRADE, BARTER, SERVE OR
17 DELIVER ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY PERSON
18 DURING HOURS OR ON DAYS WHEN THE LICENSEE IS PROHIBITED BY THIS
19 ACT FROM SELLING LIQUOR OR MALT OR BREWED BEVERAGES.

20 (17) LICENSEES, ETC., INTERESTED OR EMPLOYED IN
21 MANUFACTURING OR SALE OF EQUIPMENT OR FIXTURES. FOR ANY
22 LICENSEE, OR ANY OFFICER, DIRECTOR, STOCKHOLDER, SERVANT, AGENT
23 OR EMPLOYE OF ANY LICENSEE, TO OWN ANY INTEREST, DIRECTLY OR
24 INDIRECTLY, IN OR BE EMPLOYED OR ENGAGED IN ANY BUSINESS WHICH
25 INVOLVES THE MANUFACTURE OR SALE OF ANY EQUIPMENT, FURNISHINGS
26 OR FIXTURES TO ANY HOTEL, RESTAURANT OR CLUB LICENSEES, OR TO
27 ANY IMPORTING DISTRIBUTORS, DISTRIBUTORS OR RETAIL DISPENSERS:
28 PROVIDED, HOWEVER, THAT AS TO MALT OR BREWED BEVERAGE LICENSEES,
29 THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO SUCH A
30 CONFLICTING INTEREST IF IT HAS EXISTED FOR A PERIOD OF NOT LESS

1 THAN THREE YEARS PRIOR TO THE FIRST DAY OF JANUARY, ONE THOUSAND
2 NINE HUNDRED THIRTY-SEVEN, AND THE BOARD SHALL APPROVE.

3 (18) DISPLAYING PRICE OF LIQUOR OR MALT OR BREWED BEVERAGES.
4 FOR ANY RESTAURANT, HOTEL OR CLUB LIQUOR LICENSEE, OR ANY
5 IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL DISPENSER, OR THE
6 SERVANTS, AGENTS OR EMPLOYES OF SUCH LICENSEES, TO DISPLAY ON
7 THE OUTSIDE OF ANY LICENSED PREMISES OR TO DISPLAY ANY PLACE
8 WITHIN THE LICENSED PREMISES WHERE IT CAN BE SEEN FROM THE
9 OUTSIDE, ANY ADVERTISEMENT WHATSOEVER REFERRING, DIRECTLY OR
10 INDIRECTLY, TO THE PRICE AT WHICH THE LICENSEE WILL SELL LIQUOR
11 OR MALT OR BREWED BEVERAGES.

12 (19) LICENSEE'S OUTSIDE ADVERTISEMENTS. FOR ANY RETAIL
13 LIQUOR LICENSEE OR ANY RETAIL DISPENSER, DISTRIBUTOR OR
14 IMPORTING DISTRIBUTOR, TO DISPLAY IN ANY MANNER WHATSOEVER ON
15 THE OUTSIDE OF HIS LICENSED PREMISES, OR ON ANY LOT OF GROUND ON
16 WHICH THE LICENSED PREMISES ARE SITUATE, OR ON ANY BUILDING OF
17 WHICH THE LICENSED PREMISES ARE A PART, A SIGN OF ANY KIND,
18 PRINTED, PAINTED OR ELECTRIC, ADVERTISING ANY BRAND OF LIQUOR OR
19 MALT OR BREWED BEVERAGE, AND IT SHALL BE LIKEWISE UNLAWFUL FOR
20 ANY MANUFACTURER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO
21 PERMIT THE DISPLAY OF ANY SIGN WHICH ADVERTISES EITHER HIS
22 PRODUCTS OR HIMSELF ON ANY LOT OF GROUND ON WHICH SUCH LICENSED
23 PREMISES ARE SITUATE, OR ON ANY BUILDING OF WHICH SUCH LICENSED
24 PREMISES ARE A PART.

25 (20) (I) RETAIL LIQUOR AND RETAIL MALT OR BREWED BEVERAGES
26 LICENSEE'S INSIDE ADVERTISEMENTS. FOR ANY RETAIL LIQUOR OR
27 RETAIL MALT OR BREWED BEVERAGES LICENSEE, TO DISPLAY OR PERMIT
28 THE DISPLAY IN THE SHOW WINDOW OR DOORWAYS OF HIS LICENSED
29 PREMISES, ANY PLACARD OR SIGN ADVERTISING THE BRANDS OF LIQUOR
30 OR MALT OR BREWED BEVERAGES PRODUCED BY ANY ONE MANUFACTURER, IF

1 THE TOTAL DISPLAY AREA OF ANY SUCH PLACARD OR SIGN ADVERTISING
2 THE PRODUCTS OF ANY ONE MANUFACTURER EXCEEDS THREE HUNDRED
3 SQUARE INCHES. NOTHING HEREIN SHALL PROHIBIT A LICENSEE FROM
4 DISPLAYING INSIDE HIS LICENSED PREMISES POINT OF SALE DISPLAYS
5 ADVERTISING BRAND NAMES OF PRODUCTS SOLD BY HIM, OTHER THAN A
6 WINDOW OR DOOR DISPLAY: PROVIDED, THAT THE TOTAL COST OF ALL
7 SUCH POINT OF SALE ADVERTISING MATTER RELATING TO ANY ONE BRAND
8 OF ANY ONE MANUFACTURER SHALL NOT EXCEED THE SUM OF SEVENTY
9 DOLLARS (\$70) AT ANY ONE TIME, AND NO SINGLE PIECE OF
10 ADVERTISING SHALL EXCEED A COST OF THIRTY-FIVE DOLLARS (\$35).
11 ALL SUCH ADVERTISING MATERIAL, INCLUDING THE WINDOW AND DOOR
12 SIGNS, MAY BE FURNISHED BY A MANUFACTURER, DISTRIBUTOR OR
13 IMPORTING DISTRIBUTOR. THE RESTRICTIONS ON ADVERTISING SET FORTH
14 IN SUBCLAUSE (II) AND IN CLAUSES (20.1) AND (20.2) SHALL ALSO
15 APPLY TO THIS SUBCLAUSE.

16 (II) COOPERATIVE ADVERTISING. NO DISTRIBUTOR OR IMPORTING
17 DISTRIBUTOR, DIRECTLY OR INDIRECTLY, INDEPENDENT OR OTHERWISE,
18 SHALL, EXCEPT BY PRIOR WRITTEN AGREEMENT, BE REQUIRED TO
19 PARTICIPATE WITH A MANUFACTURER IN THE PURCHASE OF ANY
20 ADVERTISING OF A BRAND NAME PRODUCT IN ANY NAME, IN ANY FORM,
21 WHETHER IT BE RADIO, TELEVISION, NEWSPAPER, MAGAZINE OR
22 OTHERWISE.

23 (20.1) MANUFACTURER SHALL NOT REQUIRE ADVERTISING. FOR A
24 MANUFACTURER TO REQUIRE A DISTRIBUTOR OR IMPORTING DISTRIBUTOR
25 TO PURCHASE ANY TYPE OF ADVERTISING.

26 (20.2) ADVERTISING SHALL BE ORDERED AND AUTHORIZED IN
27 ADVANCE. FOR ANY ADVERTISING TO BE DONE ON BEHALF OF A
28 DISTRIBUTOR OR IMPORTING DISTRIBUTOR WHICH WAS NOT ORDERED AND
29 AUTHORIZED IN ADVANCE BY THE DISTRIBUTOR OR IMPORTING
30 DISTRIBUTOR.

1 (21) REFUSING THE RIGHT OF INSPECTION. FOR ANY LICENSEE, OR
2 HIS SERVANTS, AGENTS OR EMPLOYES, TO REFUSE THE BOARD OR THE
3 DIVISION OR ANY OF [ITS] THEIR AUTHORIZED EMPLOYES OR AGENTS THE
4 RIGHT TO INSPECT COMPLETELY THE ENTIRE LICENSED PREMISES AT ANY
5 TIME DURING WHICH THE PREMISES ARE OPEN FOR THE TRANSACTION OF
6 BUSINESS, OR WHEN PATRONS, GUESTS OR MEMBERS ARE IN THAT PORTION
7 OF THE LICENSED PREMISES WHEREIN EITHER LIQUOR OR MALT OR BREWED
8 BEVERAGES ARE SOLD.

9 (22) ALLOWANCE OR REBATE TO INDUCE PURCHASES. FOR ANY
10 LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO OFFER, PAY,
11 MAKE OR ALLOW, OR FOR ANY LICENSEE, OR HIS SERVANTS, AGENTS OR
12 EMPLOYES, TO SOLICIT OR RECEIVE ANY ALLOWANCE OR REBATE, REFUNDS
13 OR CONCESSIONS, WHETHER IN THE FORM OF MONEY OR OTHERWISE, TO
14 INDUCE DIRECTLY THE PURCHASE OF LIQUOR OR MALT OR BREWED
15 BEVERAGES.

16 (23) MONEY OR VALUABLES GIVEN TO EMPLOYES TO INFLUENCE
17 ACTIONS OF THEIR EMPLOYERS. FOR ANY LICENSEE, OR ANY AGENT,
18 EMPLOYE OR REPRESENTATIVE OF ANY LICENSEE, TO GIVE OR PERMIT TO
19 BE GIVEN, DIRECTLY OR INDIRECTLY, MONEY OR ANYTHING OF
20 SUBSTANTIAL VALUE, IN AN EFFORT TO INDUCE AGENTS, EMPLOYES OR
21 REPRESENTATIVES OF CUSTOMERS OR PROSPECTIVE CUSTOMERS TO
22 INFLUENCE THEIR EMPLOYER OR PRINCIPAL TO PURCHASE OR CONTRACT TO
23 PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES FROM THE DONOR OF
24 SUCH GIFT, OR TO INFLUENCE SUCH EMPLOYERS OR PRINCIPALS TO
25 REFRAIN FROM DEALING OR CONTRACTING TO DEAL WITH OTHER
26 LICENSEES.

27 (24) THINGS OF VALUE OFFERED AS INDUCEMENT. FOR ANY LICENSEE
28 UNDER THE PROVISIONS OF THIS ARTICLE, OR THE BOARD OR ANY
29 MANUFACTURER, OR ANY EMPLOYE OR AGENT OF A MANUFACTURER,
30 LICENSEE OR OF THE BOARD, TO OFFER TO GIVE ANYTHING OF VALUE OR

1 TO SOLICIT OR RECEIVE ANYTHING OF VALUE AS A PREMIUM FOR THE
2 RETURN OF CAPS, STOPPERS, CORKS, STAMPS OR LABELS TAKEN FROM ANY
3 BOTTLE, CASE, BARREL OR PACKAGE CONTAINING LIQUOR OR MALT OR
4 BREWED BEVERAGE, OR TO OFFER OR GIVE OR SOLICIT OR RECEIVE
5 ANYTHING OF VALUE AS A PREMIUM OR PRESENT TO INDUCE DIRECTLY THE
6 PURCHASE OF LIQUOR OR MALT OR BREWED BEVERAGE, OR FOR ANY
7 LICENSEE, MANUFACTURER OR OTHER PERSON TO OFFER OR GIVE TO TRADE
8 OR CONSUMER BUYERS ANY PRIZE, PREMIUM, GIFT OR OTHER INDUCEMENT
9 TO PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES, EXCEPT
10 ADVERTISING NOVELTIES OF NOMINAL VALUE WHICH THE BOARD SHALL
11 DEFINE: PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT APPLY TO
12 THE RETURN OF ANY MONIES SPECIFICALLY DEPOSITED FOR THE RETURN
13 OF THE ORIGINAL CONTAINER TO THE OWNERS THEREOF.

14 (25) EMPLOYMENT [OF FEMALES] IN LICENSED PLACES. FOR ANY
15 LICENSEE OR HIS AGENT, TO EMPLOY OR PERMIT THE EMPLOYMENT OF ANY
16 [FEMALE] PERSON AT HIS LICENSED HOTEL, RESTAURANT OR EATING
17 PLACE FOR THE PURPOSE OF ENTICING CUSTOMERS, OR TO ENCOURAGE
18 THEM TO DRINK LIQUOR, OR MAKE ASSIGNATIONS FOR IMPROPER
19 PURPOSES: PROVIDED, THAT NOTHING IN THIS SECTION SHALL BE
20 CONSTRUED TO PREVENT THE EMPLOYMENT OF ANY [FEMALE WAITRESS]
21 PERSON WHO REGULARLY TAKES ORDERS FOR FOOD FROM SERVING FOOD,
22 LIQUOR OR MALT OR BREWED BEVERAGES AT TABLES; ALSO, THAT NOTHING
23 SHALL PREVENT ANY SUCH LICENSEES FROM EMPLOYING ANY [FEMALE]
24 PERSON AS STENOGRAPHER, HOTEL SECRETARY, CLERK OR OTHER EMPLOYE
25 FOR THEIR RESPECTIVE POSITIONS: PROVIDED FURTHER, THAT NOTHING
26 IN THIS SECTION SHALL BE SO CONSTRUED AS TO PREVENT THE [WIFE]
27 SPOUSE OF ANY SUCH LICENSEE OR AGENT OR ANY EMPLOYED [FEMALE]
28 PERSON FROM MIXING OR SERVING LIQUOR OR MALT OR BREWED BEVERAGES
29 BEHIND THE BAR OF ANY SUCH LICENSED PLACE.

30 ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE SHALL BE

1 GUILTY OF A MISDEMEANOR AND, UPON CONVICTION OF THE SAME, SHALL
2 BE SENTENCED TO PAY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS
3 (\$100), NOR MORE THAN FIVE HUNDRED DOLLARS (\$500), FOR EACH AND
4 EVERY [FEMALE] PERSON SO EMPLOYED, OR UNDERGO AN IMPRISONMENT OF
5 NOT LESS THAN THREE (3) MONTHS, NOR MORE THAN ONE (1) YEAR, OR
6 EITHER OR BOTH, AT THE DISCRETION OF THE COURT HAVING
7 JURISDICTION OF THE CASE. THE [BOARD] ADMINISTRATIVE LAW JUDGE
8 SHALL HAVE THE POWER TO REVOKE OR REFUSE LICENSES FOR VIOLATION
9 OF THIS CLAUSE.

10 (26) WORTHLESS CHECKS. FOR ANY RETAIL LIQUOR LICENSEE OR ANY
11 RETAIL DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO MAKE,
12 DRAW, UTTER, ISSUE OR DELIVER, OR CAUSE TO BE MADE, DRAWN,
13 UTTERED, ISSUED OR DELIVERED, ANY CHECK, DRAFT OR SIMILAR ORDER,
14 FOR THE PAYMENT OF MONEY IN PAYMENT FOR ANY PURCHASE OF MALT OR
15 BREWED BEVERAGES, WHEN SUCH RETAIL LIQUOR LICENSEE, RETAIL
16 DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, HAS NOT
17 SUFFICIENT FUNDS IN, OR CREDIT WITH, SUCH BANK, BANKING
18 INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, FOR THE PAYMENT
19 OF SUCH CHECK. ANY PERSON WHO IS A LICENSEE UNDER THE PROVISIONS
20 OF THIS ARTICLE, WHO SHALL RECEIVE IN PAYMENT FOR MALT OR BREWED
21 BEVERAGES SOLD BY HIM ANY CHECK, DRAFT OR SIMILAR ORDER FOR THE
22 PAYMENT OF MONEY, WHICH IS SUBSEQUENTLY DISHONORED BY THE BANK,
23 BANKING INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, UPON
24 WHICH DRAWN, FOR ANY REASON WHATSOEVER, SHALL, WITHIN FIVE DAYS
25 OF RECEIPT OF NOTICE OF SUCH DISHONOR, NOTIFY BY CERTIFIED MAIL
26 THE PERSON WHO PRESENTED THE SAID WORTHLESS CHECK, DRAFT OR
27 SIMILAR ORDER.

28 (27) DISTRIBUTORS AND IMPORTING DISTRIBUTORS EMPLOYING
29 MINORS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO EMPLOY
30 MINORS UNDER THE AGE OF EIGHTEEN BUT PERSONS EIGHTEEN AND OVER

1 MAY BE EMPLOYED TO SELL AND DELIVER MALT AND BREWED BEVERAGES.

2 SECTION 16. SECTION 494 OF THE ACT, AMENDED MAY 25, 1956
3 (1955 P.L.1743, NO.583), IS AMENDED TO READ:

4 SECTION 494. PENALTIES.--(A) ANY PERSON WHO SHALL VIOLATE
5 ANY OF THE PROVISIONS OF THIS ARTICLE, EXCEPT AS OTHERWISE
6 SPECIFICALLY PROVIDED, SHALL BE GUILTY OF A MISDEMEANOR AND,
7 UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT
8 LESS THAN ONE HUNDRED DOLLARS (\$100), NOR MORE THAN FIVE HUNDRED
9 DOLLARS (\$500), AND ON FAILURE TO PAY SUCH FINE, TO IMPRISONMENT
10 FOR NOT LESS THAN ONE MONTH, NOR MORE THAN THREE MONTHS, AND FOR
11 ANY SUBSEQUENT OFFENSE, SHALL BE SENTENCED TO PAY A FINE NOT
12 LESS THAN THREE HUNDRED DOLLARS (\$300), NOR MORE THAN FIVE
13 HUNDRED DOLLARS (\$500), [AND] OR TO UNDERGO IMPRISONMENT FOR A
14 PERIOD NOT LESS THAN THREE MONTHS, NOR MORE THAN ONE YEAR, OR
15 BOTH. IF THE PERSON, AT OR RELATING TO THE LICENSED PREMISES,
16 VIOLATES SECTION 493(1), (10), (14), (16) OR (21), OR IF THE
17 OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED
18 AGENT OF THE OWNER OR OPERATOR VIOLATES THE ACT OF APRIL 14,
19 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG,
20 DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO
21 PROSTITUTION AND RELATED OFFENSES) OR 6301 (RELATING TO
22 CORRUPTION OF MINORS), HE SHALL BE SENTENCED TO PAY A FINE NOT
23 EXCEEDING FIVE THOUSAND DOLLARS (\$5,000) OR TO UNDERGO
24 IMPRISONMENT FOR A PERIOD NOT LESS THAN THREE MONTHS, NOR MORE
25 THAN ONE YEAR, OR BOTH.

26 (B) THE RIGHT [OF THE BOARD] TO SUSPEND AND REVOKE LICENSES
27 GRANTED UNDER THIS ARTICLE SHALL BE IN ADDITION TO THE PENALTY
28 SET FORTH IN THIS SECTION.

29 SECTION 17. SECTION 495 OF THE ACT, AMENDED JUNE 22, 1980
30 (P.L.262, NO.76), IS AMENDED TO READ:

1 SECTION 495. IDENTIFICATION CARDS; LICENSEES AND STATE
2 LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION.--(A) THE BOARD
3 SHALL ISSUE, TO ANY PERSON WHO SHALL HAVE ATTAINED THE AGE OF
4 TWENTY-ONE YEARS, AN IDENTIFICATION CARD BEARING SAID PERSON'S
5 DATE OF BIRTH, PHYSICAL DESCRIPTION, PHOTOGRAPH, SIGNATURE, AND
6 SUCH OTHER INFORMATION, AS THE BOARD BY REGULATION MAY
7 DETERMINE, ATTESTING TO THE AGE OF THE APPLICANT, UPON
8 APPLICATION THEREFOR BY SAID PERSON, FILED NO EARLIER THAN
9 FIFTEEN DAYS PRIOR TO ATTAINING THE AGE OF TWENTY-ONE. SUCH
10 CARDS SHALL BE NUMBERED AND A RECORD THEREOF MAINTAINED BY THE
11 BOARD FOR A PERIOD OF FIVE YEARS. THE BOARD MAY, IN ITS
12 DISCRETION, IMPOSE A CHARGE FOR SUCH CARDS IN AN AMOUNT TO BE
13 DETERMINED BY IT, AND IT MAY, UPON PROOF OF LOSS OF SUCH
14 IDENTIFICATION CARD BY AND UPON APPLICATION OF ANYONE TO WHOM
15 SUCH CARD MAY HAVE BEEN ISSUED, ISSUE A DUPLICATE THEREOF AND
16 IMPOSE A CHARGE THEREFOR IN AN AMOUNT AS IT MAY BY REGULATION
17 PRESCRIBE. THE BOARD SHALL HAVE THE POWER TO MAKE SUCH
18 REGULATIONS AS IT SHALL, FROM TIME TO TIME, DEEM PROPER
19 REGARDING THE SIZE, STYLE AND ADDITIONAL CONTENT OF THE
20 IDENTIFICATION CARD, THE FORM AND CONTENT OF ANY APPLICATION
21 THEREFOR, THE TYPE, STYLE AND QUANTITY OF PROOF REQUIRED TO
22 VERIFY THE APPLICANT'S AGE, THE PROCEDURE FOR RECEIVING AND
23 PROCESSING SUCH APPLICATION, THE DISTRIBUTION OF SAID CARD, THE
24 CHARGE TO BE IMPOSED FOR ANY CARD MORE THAN ONE THAT IT SHALL
25 ISSUE TO THE SAME APPLICANT, AND ALL OTHER MATTERS THE BOARD
26 SHALL DEEM NECESSARY OR ADVISABLE FOR THE PURPOSE OF CARRYING
27 INTO EFFECT THE PROVISIONS OF THIS SECTION.

28 (A.1) THE PHOTO DRIVERS' LICENSE OR IDENTIFICATION CARD
29 ISSUED BY THE DEPARTMENT OF TRANSPORTATION SHALL, FOR THE
30 PURPOSE OF THIS ACT, BE ACCEPTED AS AN IDENTIFICATION CARD.

1 (A.2) FOR THE PURPOSES OF THIS SECTION, THE TERM
2 IDENTIFICATION CARD MEANS A CARD WHICH COMPLIES WITH EITHER
3 SUBSECTION (A) OR (A.1).

4 (B) SUCH IDENTIFICATION CARD SHALL BE PRESENTED BY THE
5 HOLDER THEREOF UPON REQUEST OF ANY STATE LIQUOR STORE OR ANY
6 LICENSEE, OR THE SERVANT, AGENT OR EMPLOYE THEREOF, FOR THE
7 PURPOSE OF AIDING SUCH STORE, LICENSEE, OR THE SERVANT, AGENT OR
8 EMPLOYE TO DETERMINE WHETHER OR NOT SUCH PERSON IS TWENTY-ONE
9 YEARS OF AGE AND UPWARDS, WHEN SUCH PERSON DESIRES ALCOHOLIC
10 BEVERAGE AT A STATE LIQUOR STORE OR LICENSED ESTABLISHMENT.

11 (C) IN ADDITION TO THE PRESENTATION OF SUCH IDENTIFICATION
12 CARD, THE AGENT OF THE STATE LIQUOR STORE OR THE LICENSEE, OR
13 HIS SERVANT, AGENT OR EMPLOYE, SHALL REQUIRE THE PERSON WHOSE
14 AGE MAY BE IN QUESTION TO FILL IN AND SIGN A CARD IN THE
15 FOLLOWING FORM:

16 19
17 I,....., HEREBY REPRESENT
18 TO, A STATE STORE OR
19 LICENSEE OF THE PENNSYLVANIA LIQUOR [CONTROL] BOARD
20 THAT I AM OF FULL AGE AND DISCRETION AND OVER THE AGE
21 OF 21 YEARS, HAVING BEEN BORN ON 19.....
22 AT

23 THIS STATEMENT IS MADE TO INDUCE SAID STORE OR LICENSEE ABOVE
24 NAMED TO SELL OR OTHERWISE FURNISH ALCOHOLIC BEVERAGES TO THE
25 UNDERSIGNED.

26 SERIAL NUMBER OF IDENTIFICATION CARD:

27 I UNDERSTAND THAT I AM SUBJECT TO A FINE OF
28 \$300.00 AND SIXTY DAYS IMPRISONMENT FOR ANY
29 MISREPRESENTATION HEREIN.

30

(NAME)

.....

(ADDRESS)

WITNESS:

NAME.....

ADDRESS.....

SUCH STATEMENT SHALL BE PRINTED UPON A 3 INCH BY 5 INCH OR 4 INCH BY 5 INCH FILE CARD, WHICH CARD SHALL BE FILED ALPHABETICALLY BY THE STATE LIQUOR STORE OR LICENSEE, AT OR BEFORE THE CLOSE OF BUSINESS ON THE DAY OF WHICH SAID CERTIFICATE IS EXECUTED, IN A FILE BOX CONTAINING A SUITABLE ALPHABETICAL INDEX, AND WHICH CARD SHALL BE SUBJECT TO EXAMINATION BY ANY OFFICER, AGENT OR EMPLOYE OF THE [LIQUOR CONTROL BOARD] BOARD OR THE DIVISION AT ANY AND ALL TIMES.

(D) IT SHALL BE UNLAWFUL FOR THE OWNER OF AN IDENTIFICATION CARD, AS DEFINED BY THIS ACT, TO TRANSFER SAID CARD TO ANY OTHER PERSON FOR THE PURPOSE OF AIDING SUCH PERSON TO SECURE ALCOHOLIC BEVERAGE. ANY PERSON WHO SHALL TRANSFER SUCH IDENTIFICATION CARD FOR THE PURPOSE OF AIDING SUCH TRANSFEREE TO OBTAIN ALCOHOLIC BEVERAGE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS (\$300), OR UNDERGO IMPRISONMENT FOR NOT MORE THAN SIXTY (60) DAYS. ANY PERSON NOT ENTITLED THERETO WHO SHALL HAVE UNLAWFULLY PROCURED OR HAVE ISSUED OR TRANSFERRED TO HIM, AS AFORESAID, IDENTIFICATION CARD OR ANY PERSON WHO SHALL MAKE ANY FALSE STATEMENT ON ANY CARD REQUIRED BY SUBSECTION (C) HEREOF TO BE SIGNED BY HIM SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS (\$300), OR UNDERGO IMPRISONMENT FOR NOT MORE THAN SIXTY (60) DAYS.

(E) THE SIGNED STATEMENT IN THE POSSESSION OF A LICENSEE OR AN EMPLOYEE OF A STATE LIQUOR STORE MAY BE OFFERED AS A DEFENSE IN ALL CIVIL AND CRIMINAL PROSECUTIONS FOR SERVING A MINOR, AND NO PENALTY SHALL BE IMPOSED IF THE [LIQUOR CONTROL BOARD] ADMINISTRATIVE LAW JUDGE OR THE COURTS ARE SATISFIED THAT THE LICENSEE OR STATE LIQUOR STORE EMPLOYEE ACTED IN GOOD FAITH.

SECTION 18. SECTION 505.2 OF THE ACT, AMENDED NOVEMBER 5, 1981 (P.L.329, NO.119) AND DECEMBER 17, 1982 (P.L.1390, NO.319), IS AMENDED TO READ:

SECTION 505.2. LIMITED WINERIES.--HOLDERS OF A LIMITED WINERY LICENSE MAY:

(1) PRODUCE WINES ONLY FROM FRUITS GROWN IN PENNSYLVANIA IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND (100,000) GALLONS PER YEAR.

(2) SELL WINE PRODUCED BY THE LIMITED WINERY OR PURCHASED OR CONSIGNED IN BULK IN BOND OR IN SEALED CASE LOTS FROM [ANOTHER] ONE OR MORE PENNSYLVANIA LIMITED [WINERY] WINERIES ON THE LICENSED PREMISES, UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE, TO THE LIQUOR CONTROL BOARD, TO INDIVIDUALS AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES, AND TO PENNSYLVANIA WINERY LICENSEES: PROVIDED, THAT A LIMITED WINERY SHALL NOT, IN ANY CALENDAR YEAR, PURCHASE WINE PRODUCED BY OTHER LIMITED WINERIES IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF THE WINE PRODUCED BY THE PURCHASING LIMITED WINERY IN THE PRECEDING CALENDAR YEAR.

(3) SELL WINE PRODUCED BY THE LIMITED WINERY OR PURCHASED OR CONSIGNED BY ONE OR MORE PENNSYLVANIA LIMITED WINERIES AS PROVIDED IN CLAUSE (2) ON NO MORE THAN THREE BOARD-APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES, WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL BOARD-APPROVED

1 LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD
2 MAY ENFORCE, TO THE LIQUOR CONTROL BOARD, TO INDIVIDUALS AND TO
3 HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES.

4 SECTION 19. SECTIONS 506(F), 507 AND 514 OF THE ACT ARE
5 AMENDED TO READ:

6 SECTION 506. BONDS REQUIRED.--* * *

7 (F) EVERY SUCH BOND SHALL BE TURNED OVER TO THE [DEPARTMENT
8 OF JUSTICE] OFFICE OF THE ATTORNEY GENERAL TO BE COLLECTED IF
9 AND WHEN THE LICENSEE'S LICENSE SHALL HAVE BEEN REVOKED AND HIS
10 BOND FORFEITED AS PROVIDED IN THIS ACT.

11 SECTION 507. HEARINGS [UPON REFUSAL OF LICENSES] ON LICENSES
12 AND REFUSALS.--(A) THE BOARD MAY OF ITS OWN MOTION, AND SHALL
13 UPON THE WRITTEN REQUEST OF THE DIVISION OR OF ANY APPLICANT FOR
14 LICENSE OR FOR RENEWAL THEREOF WHOSE APPLICATION FOR SUCH
15 LICENSE OR RENEWAL HAS BEEN REFUSED, FIX A TIME AND PLACE FOR
16 HEARING OF SUCH APPLICATION OR RENEWAL, NOTICE OF WHICH HEARING
17 SHALL BE SENT TO THE DIVISION AND TO THE APPLICANT, BY
18 REGISTERED MAIL, AT THE ADDRESS GIVEN IN HIS APPLICATION. SUCH
19 HEARING SHALL BE BEFORE THE BOARD, A MEMBER THEREOF, OR AN
20 EXAMINER DESIGNATED BY THE BOARD.

21 (B) AT SUCH HEARING, THE BOARD SHALL PRESENT ITS REASONS FOR
22 ITS REFUSAL OR WITHHOLDING OF SUCH LICENSE OR RENEWAL THEREOF OR
23 THE DIVISION SHALL PRESENT ITS OBJECTIONS TO THE GRANTING OR
24 RENEWAL OF THE LICENSE, AS THE CASE MAY BE. THE APPLICANT MAY
25 APPEAR IN PERSON OR BY COUNSEL, MAY CROSS-EXAMINE THE WITNESSES
26 FOR THE BOARD OR THE DIVISION, AND MAY PRESENT EVIDENCE WHICH
27 SHALL LIKEWISE BE SUBJECT TO CROSS-EXAMINATION BY THE BOARD OR
28 THE DIVISION. SUCH HEARING SHALL BE STENOGRAPHICALLY RECORDED.
29 THE EXAMINER SHALL THEREAFTER REPORT TO THE BOARD. THE BOARD
30 SHALL THEREAFTER GRANT OR REFUSE THE LICENSE OR RENEWAL THEREOF.

1 [IF THE BOARD SHALL REFUSE SUCH LICENSE OR RENEWAL FOLLOWING
2 SUCH HEARING, NOTICE IN WRITING OF SUCH REFUSAL SHALL BE MAILED
3 TO THE APPLICANT AT THE ADDRESS GIVEN IN HIS APPLICATION. IN ALL
4 CASES, THE BOARD SHALL FILE OF RECORD AT LEAST A BRIEF STATEMENT
5 IN THE FORM OF AN OPINION OF THE REASONS FOR THE RULING OR
6 ORDER.]

7 (C) HEARINGS AND ADJUDICATIONS PURSUANT TO THIS SECTION
8 SHALL BE IN ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING
9 TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

10 SECTION 514. SUSPENSION AND REVOCATION OF LICENSES.--(A)
11 UPON LEARNING OF ANY VIOLATION OF THIS ACT OR OF ANY RULE OR
12 REGULATION PROMULGATED BY THE BOARD UNDER THE AUTHORITY OF THIS
13 ACT, OR ANY VIOLATION OF ANY LAWS OF THE COMMONWEALTH OR OF THE
14 UNITED STATES OF AMERICA RELATING TO THE TAX PAYMENT OF ALCOHOL,
15 LIQUOR OR MALT OR BREWED BEVERAGES BY THE HOLDER OF A LICENSE
16 ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, OR UPON OTHER
17 SUFFICIENT CAUSE, THE [BOARD] DIVISION MAY, WITHIN ONE YEAR FROM
18 THE DATE OF SUCH VIOLATION OR CAUSE APPEARING, CITE SUCH
19 LICENSEE TO APPEAR BEFORE [IT OR ITS EXAMINER] AN ADMINISTRATIVE
20 LAW JUDGE NOT LESS THAN TEN (10) NOR MORE THAN [FIFTEEN (15)]
21 SIXTY (60) DAYS FROM THE DATE OF SENDING SUCH LICENSEE, BY
22 REGISTERED MAIL, A NOTICE ADDRESSED TO HIS LICENSED PREMISES, TO
23 SHOW CAUSE WHY THE LICENSE SHOULD NOT BE SUSPENDED OR REVOKED.
24 HEARINGS ON SUCH CITATIONS SHALL BE HELD IN THE SAME MANNER AS
25 PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR LICENSE. AND
26 UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION HAS
27 OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE [BOARD]
28 ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE
29 SUCH LICENSE, NOTIFYING THE LICENSEE THEREOF BY REGISTERED
30 LETTER ADDRESSED TO HIS LICENSED PREMISES, OR TO THE ADDRESS

1 GIVEN IN HIS APPLICATION WHERE NO LICENSED PREMISES IS
2 MAINTAINED IN PENNSYLVANIA.

3 (B) WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE
4 FORFEITED [BY THE BOARD]. ANY LICENSEE WHOSE LICENSE IS REVOKED
5 SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT OR UNDER
6 ANY OTHER ACT RELATING TO ALCOHOL, LIQUOR OR MALT OR BREWED
7 BEVERAGES UNTIL THE EXPIRATION OF THREE (3) YEARS FROM THE DATE
8 SUCH LICENSE WAS REVOKED. IN THE EVENT [THE BOARD SHALL REVOKE A
9 LICENSE] OF A REVOCATION, NO LICENSE SHALL BE GRANTED FOR THE
10 PREMISES OR TRANSFERRED TO THE PREMISES IN WHICH SAID LICENSE
11 WAS CONDUCTED FOR A PERIOD OF AT LEAST ONE (1) YEAR AFTER THE
12 DATE OF THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID
13 PREMISES, EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS
14 IMMEDIATE FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE
15 THE BOARD MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE
16 WITHIN SAID YEAR. [IN ALL SUCH CASES, THE BOARD SHALL FILE OF
17 RECORD AT LEAST A BRIEF STATEMENT IN THE FORM OF AN OPINION OF
18 THE REASONS FOR THE RULING OR ORDER.] SUCH HEARING BEFORE AND
19 ADJUDICATION BY AN ADMINISTRATIVE LAW JUDGE SHALL BE IN
20 ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE
21 AND PROCEDURE OF COMMONWEALTH AGENCIES).

22 SECTION 20. SECTION 515 OF THE ACT, REPEALED IN PART JUNE 3,
23 1971 (P.L.118, NO.6) AND APRIL 28, 1978 (P.L.202, NO.53), IS
24 AMENDED TO READ:

25 SECTION 515. APPEALS.--[ANY] THE BOARD, THE DIVISION OR ANY
26 APPLICANT OR ANY LICENSEE AGGRIEVED BY ANY DECISION [OF THE
27 BOARD] REFUSING, SUSPENDING OR REVOKING A LICENSE UNDER THE
28 PROVISIONS OF THIS ARTICLE MAY APPEAL TO THE COURT OF THE COUNTY
29 IN WHICH THE LICENSED PREMISES OR THE PREMISES TO BE LICENSED
30 ARE LOCATED. IN THE EVENT AN APPLICANT OR A LICENSEE SHALL HAVE

1 NO PLACE OF BUSINESS ESTABLISHED WITHIN THE COMMONWEALTH, HIS
2 APPEAL SHALL BE TO THE [COURT OF DAUPHIN COUNTY] COMMONWEALTH
3 COURT. SUCH APPEAL SHALL BE [UPON PETITION OF THE APPLICANT OR
4 LICENSEE, AS THE CASE MAY BE, WHO SHALL SERVE A COPY THEREOF
5 UPON THE BOARD. THE SAID APPEAL SHALL ACT AS A SUPERSEDEAS,
6 UNLESS UPON SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE
7 OTHERWISE. THE COURT SHALL HEAR THE APPLICATION DE NOVO AT SUCH
8 TIME AS IT SHALL FIX, OF WHICH NOTICE SHALL BE GIVEN TO THE
9 BOARD. THE COURT SHALL, IN THE CASE OF A REFUSAL BY THE BOARD,
10 EITHER SUSTAIN SUCH REFUSAL OR ORDER THE ISSUANCE OF THE LICENSE
11 TO THE APPLICANT] IN ACCORDANCE WITH 2 PA.C.S. CH. 7 SUBCH. A
12 (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

13 SECTION 21. SECTIONS 516 AND 519 OF THE ACT ARE AMENDED TO
14 READ:

15 SECTION 516. COMPROMISE PENALTY IN LIEU OF SUSPENSION.--IN
16 THOSE CASES WHERE THE [BOARD] ADMINISTRATIVE LAW JUDGE SHALL
17 SUSPEND A LICENSE, THE [BOARD] ADMINISTRATIVE LAW JUDGE MAY
18 ACCEPT FROM THE LICENSEE AN OFFER IN COMPROMISE AS A PENALTY IN
19 LIEU OF SUCH SUSPENSION AND SHALL THEREUPON RESCIND ITS ORDER OF
20 SUSPENSION. IN THE CASE OF A DISTILLERY LICENSEE, THE OFFER IN
21 COMPROMISE SHALL BE AT THE RATE OF ONE HUNDRED DOLLARS (\$100)
22 FOR EACH DAY OF SUSPENSION; IN THE CASE OF A BONDED WAREHOUSE,
23 BAILEE FOR HIRE AND TRANSPORTER FOR HIRE LICENSEES, TWENTY-FIVE
24 DOLLARS (\$25) FOR EACH DAY; AND IN THE CASE OF A WINERY
25 LICENSEE, FIFTY DOLLARS (\$50) FOR EACH DAY. NO OFFER IN
26 COMPROMISE MAY BE ACCEPTED [BY THE BOARD] IN THOSE CASES WHERE
27 THE SUSPENSION IS FOR A PERIOD IN EXCESS OF ONE HUNDRED (100)
28 DAYS.

29 SECTION 519. PENALTIES.--ANY PERSON OR PERSONS WHO KNOWINGLY
30 VIOLATE ANY OF THE PROVISIONS OF THIS ARTICLE, OR ANY PERSON WHO

1 SHALL VIOLATE ANY OF THE CONDITIONS OF ANY LICENSE ISSUED UNDER
2 THE PROVISIONS OF THIS ARTICLE, OR WHO SHALL FALSIFY ANY RECORD
3 OR REPORT REQUIRED BY THIS ARTICLE TO BE KEPT, OR WHO SHALL
4 VIOLATE ANY RULE OR REGULATION OF THE BOARD, OR WHO SHALL
5 INTERFERE WITH, HINDER OR OBSTRUCT ANY INSPECTION AUTHORIZED BY
6 THIS ARTICLE, OR PREVENT ANY MEMBER OF THE BOARD OR THE DIVISION
7 OR ANY PERSON DULY AUTHORIZED AND DESIGNATED BY THE BOARD OR THE
8 DIVISION FROM ENTERING ANY PLACE WHICH SUCH MEMBER OF THE BOARD
9 OR THE DIVISION OR SUCH PERSON IS AUTHORIZED BY THIS ARTICLE TO
10 ENTER FOR THE PURPOSE OF MAKING AN INSPECTION, OR WHO SHALL
11 VIOLATE ANY OTHER PROVISION OF THIS ARTICLE, SHALL BE GUILTY OF
12 A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED
13 TO PAY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100), NOR
14 MORE THAN FIVE THOUSAND DOLLARS (\$5000), OR UNDERGO IMPRISONMENT
15 OF NOT MORE THAN THREE (3) YEARS, OR BOTH, AT THE DISCRETION OF
16 THE COURT.

17 SECTION 22. SECTIONS 601, 602 AND 603(C) OF THE ACT, AMENDED
18 APRIL 20, 1956 (1955 P.L.1508, NO.499), ARE AMENDED TO READ:

19 SECTION 601. FORFEITURE OF PROPERTY ILLEGALLY POSSESSED OR
20 USED.--NO PROPERTY RIGHTS SHALL EXIST IN ANY LIQUOR, ALCOHOL OR
21 MALT OR BREWED BEVERAGE ILLEGALLY MANUFACTURED OR POSSESSED, OR
22 IN ANY STILL, EQUIPMENT, MATERIAL, UTENSIL, VEHICLE, BOAT,
23 VESSEL, ANIMALS OR AIRCRAFT USED IN THE ILLEGAL MANUFACTURE OR
24 ILLEGAL TRANSPORTATION OF LIQUOR, ALCOHOL OR MALT OR BREWED
25 BEVERAGES, AND THE SAME SHALL BE DEEMED CONTRABAND AND
26 PROCEEDINGS FOR ITS FORFEITURE TO THE COMMONWEALTH MAY[, AT THE
27 DISCRETION OF THE BOARD,] BE INSTITUTED IN THE MANNER
28 HEREINAFTER PROVIDED. NO SUCH PROPERTY WHEN IN THE CUSTODY OF
29 THE LAW SHALL BE SEIZED OR TAKEN THEREFROM ON ANY WRIT OF
30 REPLEVIN OR LIKE PROCESS.

1 SECTION 602. FORFEITURE PROCEEDINGS.--(A) THE PROCEEDINGS
2 FOR THE FORFEITURE OR CONDEMNATION OF ALL PROPERTY SHALL BE IN
3 REM, IN WHICH THE COMMONWEALTH SHALL BE THE PLAINTIFF AND THE
4 PROPERTY THE DEFENDANT. A PETITION SHALL BE FILED IN THE COURT
5 OF [QUARTER SESSIONS] COMMON PLEAS, VERIFIED BY OATH OR
6 AFFIRMATION OF ANY OFFICER OR CITIZEN, CONTAINING THE FOLLOWING:
7 (1) A DESCRIPTION OF THE PROPERTY SO SEIZED; (2) A STATEMENT OF
8 THE TIME AND PLACE WHERE SEIZED; (3) THE OWNER, IF KNOWN; (4)
9 THE PERSON OR PERSONS IN POSSESSION, IF KNOWN; (5) AN ALLEGATION
10 THAT THE SAME HAD BEEN POSSESSED OR USED OR WAS INTENDED FOR USE
11 IN VIOLATION OF THIS ACT; (6) AND, A PRAYER FOR AN ORDER OF
12 FORFEITURE THAT THE SAME BE ADJUDGED FORFEITED TO THE
13 COMMONWEALTH, UNLESS CAUSE BE SHOWN TO THE CONTRARY.

14 (B) A COPY OF SAID PETITION SHALL BE SERVED PERSONALLY ON
15 SAID OWNER IF HE CAN BE FOUND WITHIN THE JURISDICTION OF THE
16 COURT, OR UPON THE PERSON OR PERSONS IN POSSESSION AT THE TIME
17 OF THE SEIZURE THEREOF. SAID COPY SHALL HAVE ENDORSED THEREON A
18 NOTICE AS FOLLOWS:

19 "TO THE CLAIMANT OF WITHIN DESCRIBED PROPERTY: YOU ARE
20 REQUIRED TO FILE AN ANSWER TO THIS PETITION, SETTING FORTH YOUR
21 TITLE IN AND RIGHT TO POSSESSION OF SAID PROPERTY, WITHIN
22 FIFTEEN (15) DAYS FROM THE SERVICE HEREOF; AND YOU ARE ALSO
23 NOTIFIED THAT IF YOU FAIL TO FILE SAID ANSWER, A DECREE OF
24 FORFEITURE AND CONDEMNATION WILL BE ENTERED AGAINST SAID
25 PROPERTY."

26 SAID NOTICE SHALL BE SIGNED BY PETITIONER OR HIS ATTORNEY, OR
27 THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL.

28 (C) IF THE OWNER OF SAID PROPERTY IS UNKNOWN OR OUTSIDE THE
29 JURISDICTION OF THE COURT AND THERE WAS NO PERSON IN POSSESSION
30 OF SAID PROPERTY WHEN SEIZED, OR SUCH PERSON SO IN POSSESSION

1 CANNOT BE FOUND WITHIN THE JURISDICTION OF THE COURT, NOTICE OF
2 SAID PETITION SHALL BE GIVEN BY AN ADVERTISEMENT IN ONLY ONE
3 NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY WHERE
4 SUCH PROPERTY SHALL HAVE BEEN SEIZED, ONCE A WEEK FOR TWO (2)
5 SUCCESSIVE WEEKS. NO OTHER ADVERTISEMENT OF ANY SORT SHALL BE
6 NECESSARY, ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING. SAID
7 NOTICE SHALL CONTAIN A STATEMENT OF THE SEIZURE OF SAID
8 PROPERTY, WITH A DESCRIPTION THEREOF, THE PLACE AND DATE OF
9 SEIZURE, AND SHALL DIRECT ANY CLAIMANTS THEREOF TO FILE A CLAIM
10 THEREFOR ON OR BEFORE A DATE GIVEN IN SAID NOTICE, WHICH DATE
11 SHALL NOT BE LESS THAN TEN (10) DAYS FROM THE DATE OF THE LAST
12 PUBLICATION.

13 (D) UPON THE FILING OF ANY CLAIM FOR SAID PROPERTY, SETTING
14 FORTH A RIGHT OF POSSESSION THEREOF, THE CASE SHALL BE DEEMED AT
15 ISSUE AND A TIME BE FIXED FOR THE HEARING THEREOF.

16 (E) AT THE TIME OF SAID HEARING, IF THE COMMONWEALTH SHALL
17 PRODUCE EVIDENCE THAT THE PROPERTY IN QUESTION WAS UNLAWFULLY
18 POSSESSED OR USED, THE BURDEN SHALL BE UPON THE CLAIMANT TO SHOW
19 (1) THAT HE IS THE OWNER OF SAID PROPERTY, (2) THAT HE LAWFULLY
20 ACQUIRED THE SAME, AND (3) THAT IT WAS NOT UNLAWFULLY USED OR
21 POSSESSED.

22 IN THE EVENT SUCH CLAIMANT SHALL PROVE BY COMPETENT EVIDENCE
23 TO THE SATISFACTION OF THE COURT THAT SAID LIQUOR, ALCOHOL OR
24 MALT OR BREWED BEVERAGE, OR STILL, EQUIPMENT, MATERIAL, UTENSIL,
25 VEHICLE, BOAT, VESSEL, CONTAINER, ANIMAL OR AIRCRAFT WAS
26 LAWFULLY ACQUIRED, POSSESSED AND USED, THEN THE COURT MAY ORDER
27 THE SAME RETURNED OR DELIVERED TO THE CLAIMANT; BUT IF IT
28 APPEARS THAT SAID LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE OR
29 STILL, EQUIPMENT, MATERIAL OR UTENSIL WAS UNLAWFULLY POSSESSED
30 OR USED, THE COURT SHALL ORDER THE SAME DESTROYED, DELIVERED TO

1 A HOSPITAL, OR TURNED OVER TO THE BOARD OR DIVISION, AS
2 HEREINAFTER PROVIDED, OR IF IT APPEARS THAT SAID VEHICLE, BOAT,
3 VESSEL, CONTAINER, ANIMAL OR AIRCRAFT WAS UNLAWFULLY POSSESSED
4 OR USED, THE COURT MAY, IN ITS DISCRETION, ADJUDGE SAME
5 FORFEITED AND CONDEMNED AS HEREINAFTER PROVIDED.

6 SECTION 603. DISPOSITION OF FORFEITED PROPERTY.--IF, UPON
7 PETITION AS HEREINBEFORE PROVIDED AND HEARING BEFORE THE COURT
8 OF [QUARTER SESSIONS] COMMON PLEAS, IT APPEARS THAT ANY LIQUOR,
9 ALCOHOL, OR MALT OR BREWED BEVERAGE OR STILL, EQUIPMENT,
10 MATERIAL OR UTENSIL WAS SO ILLEGALLY POSSESSED, OR USED, SUCH
11 LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE OR STILL, EQUIPMENT,
12 MATERIAL OR UTENSIL SHALL BE ADJUDGED FORFEITED AND CONDEMNED,
13 OR IF IT APPEARS THAT ANY VEHICLE, BOAT, VESSEL, CONTAINER,
14 ANIMAL OR AIRCRAFT WAS SO USED IN THE ILLEGAL MANUFACTURE OR
15 TRANSPORTATION OF LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE,
16 SUCH PROPERTY MAY, IN THE DISCRETION OF THE COURT, BE ADJUDGED
17 FORFEITED AND CONDEMNED AND IN SUCH CASE SHALL BE DISPOSED OF AS
18 FOLLOWS:

19 * * *

20 (C) IN THE CASE OF ANY VEHICLE, BOAT, VESSEL, CONTAINER,
21 ANIMAL OR AIRCRAFT SEIZED UNDER THE PROVISIONS OF THIS ACT AND
22 CONDEMNED, THE COURT SHALL ORDER THE SAME TO BE DELIVERED TO THE
23 [BOARD] DIVISION FOR ITS USE OR FOR SALE OR DISPOSITION BY THE
24 [BOARD] DIVISION, IN ITS DISCRETION. NOTICE OF SUCH SALE SHALL
25 BE GIVEN IN SUCH MANNER AS THE [BOARD] DIVISION MAY PRESCRIBE.
26 THE PROCEEDS OF SUCH SALE SHALL BE PAID INTO THE STATE STORES
27 FUND.

28 SECTION 23. SECTIONS 604 AND 611(B) OF THE ACT ARE AMENDED
29 TO READ:

30 SECTION 604. MOTOR VEHICLE LICENSES TO BE REVOKED.--IN

1 ADDITION TO THE FOREGOING PROVISIONS, THE COURT MAY, IN ITS
2 ORDER OF CONDEMNATION, AND IN EVERY CONVICTION UNDER THIS ACT
3 WHERE IT SHALL APPEAR THAT LIQUOR, ALCOHOL OR MALT OR BREWED
4 BEVERAGES WERE UNLAWFULLY TRANSPORTED IN A MOTOR VEHICLE,
5 DECLARE THAT THE LICENSE ISSUED BY THE DEPARTMENT OF [REVENUE]
6 TRANSPORTATION FOR ANY MOTOR VEHICLE SO FORFEITED AND CONDEMNED,
7 OR ISSUED TO ANY DEFENDANT CONVICTED OF TRANSPORTING LIQUOR,
8 ALCOHOL OR MALT OR BREWED BEVERAGES IN ANY MOTOR VEHICLE, SHALL
9 BE FORFEITED AND REVOKED, AND IT SHALL BE THE DUTY OF THE CLERK
10 OF THE COURT IN WHICH SUCH CONVICTION IS HAD AND ORDER OF
11 CONDEMNATION MADE TO CERTIFY SUCH CONVICTION TO THE SECRETARY OF
12 [REVENUE] TRANSPORTATION, WHO SHALL SUSPEND OR REVOKE THE
13 LICENSE ISSUED FOR SUCH MOTOR VEHICLES: PROVIDED, THAT A LICENSE
14 MAY BE ISSUED FOR SUCH MOTOR VEHICLE TO THE BOARD OR THE
15 DIVISION OR TO ANY PURCHASER OF THE VEHICLE AFTER THE SALE
16 THEREOF, AS ABOVE PROVIDED.

17 SECTION 611. NUISANCES; ACTIONS TO ENJOIN.--* * *

18 (B) AN ACTION TO ENJOIN ANY NUISANCE DEFINED IN THIS ACT MAY
19 BE BROUGHT IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA BY
20 THE ATTORNEY GENERAL [OR] BY THE DISTRICT ATTORNEY OF THE
21 PROPER COUNTY OR BY A PERSON WHO RESIDES OR HAS A PLACE OF
22 BUSINESS WITHIN FIVE HUNDRED FEET OF THE LOCATION OF THE ALLEGED
23 NUISANCE. SUCH ACTION SHALL BE BROUGHT AND TRIED AS AN ACTION IN
24 EQUITY AND MAY BE BROUGHT IN ANY COURT HAVING JURISDICTION TO
25 HEAR AND DETERMINE EQUITY CASES WITHIN THE COUNTY IN WHICH THE
26 OFFENSE OCCURS. IF IT IS MADE TO APPEAR, BY AFFIDAVIT OR
27 OTHERWISE, TO THE SATISFACTION OF THE COURT THAT SUCH NUISANCE
28 EXISTS, A TEMPORARY WRIT OF INJUNCTION SHALL FORTHWITH ISSUE,
29 RESTRAINING THE DEFENDANT FROM CONDUCTING OR PERMITTING THE
30 CONTINUANCE OF SUCH NUISANCE UNTIL THE CONCLUSION OF THE

1 PROCEEDINGS. IF A TEMPORARY INJUNCTION IS PRAYED FOR, THE COURT
2 MAY ISSUE AN ORDER RESTRAINING THE DEFENDANT AND ALL OTHER
3 PERSONS FROM REMOVING OR IN ANY WAY INTERFERING WITH THE
4 LIQUIDS, BEVERAGES OR OTHER THINGS USED IN CONNECTION WITH THE
5 VIOLATION OF THIS ACT CONSTITUTING SUCH NUISANCE. NO BOND SHALL
6 BE REQUIRED IN INSTITUTING SUCH PROCEEDINGS BROUGHT IN THE NAME
7 OF THE COMMONWEALTH BY THE ATTORNEY GENERAL OR THE DISTRICT
8 ATTORNEY. WHERE SUCH PROCEEDINGS ARE BROUGHT BY A PERSON, THE
9 COURT, UPON APPLICATION OF THE DEFENDANT AND PRIOR TO ANY
10 INJUNCTION BEING ISSUED, MAY DIRECT THE PLAINTIFF TO POST BOND
11 IN SUCH AMOUNT AS THE COURT MAY FIND TO BE REASONABLE AND
12 SUFFICIENT. IT SHALL NOT BE NECESSARY FOR THE COURT TO FIND THE
13 PROPERTY INVOLVED WAS BEING UNLAWFULLY USED, AS AFORESAID, AT
14 THE TIME OF THE HEARING, BUT ON FINDING THAT THE MATERIAL
15 ALLEGATIONS OF THE PETITION ARE TRUE, THE COURT SHALL ORDER THAT
16 NO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE SHALL BE
17 MANUFACTURED, SOLD, OFFERED FOR SALE, TRANSPORTED, BARTERED OR
18 FURNISHED, OR STORED IN BOND, OR STORED FOR HIRE IN SUCH ROOM,
19 HOUSE, BUILDING, STRUCTURE, BOAT, VEHICLE, OR PLACE, OR ANY PART
20 THEREOF.

21 * * *

22 SECTION 24. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

23 SECTION 804. FUNDING FOR ENFORCEMENT.--(A) THE COSTS OF ALL
24 ACTIVITIES OF THE ENFORCEMENT DIVISION OF THE OFFICE OF THE
25 ATTORNEY GENERAL SHALL BE APPROPRIATED FROM THE STATE STORES
26 FUND.

27 (B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES
28 OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE ATTORNEY
29 GENERAL SHALL SUBMIT A PROPOSED BUDGET FOR THE OPERATION OF THE
30 DIVISION. SUCH PROPOSED BUDGET SHALL BE SUBMITTED TO THE

1 GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN
2 ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE
3 GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT
4 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
5 CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO
6 HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF
7 THE STATE STORES FUND BY THE ATTORNEY GENERAL FOR ANY PURPOSE IN
8 EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL ASSEMBLY.

9 (C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE
10 PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN
11 AFTER REQUISITION BY THE ATTORNEY GENERAL.

12 SECTION 805. FUNDING FOR OFFICE OF ADMINISTRATIVE LAW
13 JUDGE.--(A) THE COSTS OF ALL ACTIVITIES OF THE OFFICE OF
14 ADMINISTRATIVE LAW JUDGE SHALL BE APPROPRIATED FROM THE STATE
15 STORES FUND.

16 (B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES
17 OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE CHIEF
18 ADMINISTRATIVE LAW JUDGE SHALL SUBMIT A PROPOSED BUDGET FOR THE
19 OPERATION OF THE OFFICE. SUCH PROPOSED BUDGET SHALL BE SUBMITTED
20 TO THE GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN
21 ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE
22 GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT
23 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
24 CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO
25 HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF
26 THE STATE STORES FUND BY THE CHIEF ADMINISTRATIVE LAW JUDGE FOR
27 ANY PURPOSE IN EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL
28 ASSEMBLY.

29 (C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE
30 PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN

1 AFTER REQUISITION BY THE CHIEF ADMINISTRATIVE LAW JUDGE.

2 SECTION 25. (A) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS,
3 EQUIPMENT, FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS
4 AND OTHER MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED IN
5 CONNECTION WITH THE POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY
6 THIS ACT TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE ARE HEREBY
7 TRANSFERRED TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE WITH THE
8 SAME FORCE AND EFFECT AS IF THE ALLOCATIONS AND APPROPRIATIONS
9 HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE PERSONNEL AND
10 PROPERTY OF THE OFFICE IN THE FIRST INSTANCE AND IF THE
11 CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED OR
12 ENTERED INTO BY THE OFFICE.

13 (B) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS, EQUIPMENT,
14 FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS AND OTHER
15 MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED IN CONNECTION
16 WITH THE POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY THIS ACT TO
17 THE DIVISION ARE HEREBY TRANSFERRED TO THE OFFICE OF ATTORNEY
18 GENERAL WITH THE SAME FORCE AND EFFECT AS IF THE ALLOCATIONS AND
19 APPROPRIATIONS HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE
20 PERSONNEL AND PROPERTY OF THE DIVISION IN THE FIRST INSTANCE AND
21 IF THE CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED
22 OR ENTERED INTO BY THE OFFICE OF ATTORNEY GENERAL.

23 (C) ALL PRESENT EMPLOYEES OF THE PENNSYLVANIA LIQUOR CONTROL
24 BOARD WHOSE POWERS, DUTIES OR FUNCTIONS ARE TRANSFERRED UNDER
25 SUBSECTIONS (A) AND (B) SHALL BE TRANSFERRED TO THE OFFICE OF
26 ADMINISTRATIVE LAW JUDGE OR THE DIVISION AS APPROPRIATE. ALL
27 SUCH EMPLOYEES ARE TO CONTINUE IN THEIR EMPLOYMENT WITH EITHER
28 THE BOARD, THE OFFICE OF ADMINISTRATIVE LAW JUDGE OR THE
29 DIVISION WITH THE SAME PAY SCALES, SALARIES, WAGES, SENIORITY
30 BENEFITS, PENSION RIGHTS AND OTHER INCIDENTS OF EMPLOYMENT,

1 INCLUDING, BUT NOT LIMITED TO, CIVIL SERVICE STATUS, AS IF THIS
2 ACT HAD NOT BEEN EFFECTIVE.

3 SECTION 26. THE CHIEF ADMINISTRATIVE LAW JUDGE AND THE
4 ATTORNEY GENERAL SHALL SEPARATELY BY REGULATION PROVIDE FOR
5 APPROPRIATE TRAINING OF PERSONNEL TO CARRY OUT THE
6 RESPONSIBILITIES IMPOSED BY THIS ACT UPON EMPLOYEES OF THEIR
7 RESPECTIVE AGENCIES.

8 SECTION 27. THIS ACT SHALL TAKE EFFECT JULY 1, 1986.